The Opinion

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William Mitchell Opinion – Volume 15, No. 5, April 1973

William Mitchell College of Law

William Mitchell
OPINION

Volume 15 | April, 1973 | No. 5

SBA Board Elects New Officers

The Student Bar Association Board of Governors elected its officers at a special meeting on April 14. The new officers will be seated as the Executive Council of the Board at its next regular meeting, and will hold their offices until the spring of 1974.

Don Horton, a junior, was elected President in a close race with Kay Silverman, also a junior, and Editor of the OPINION. Silverman this year became the first student to be appointed to sit and vote on the college's Scholarship Committee. She also reorganized and coordinated the freshman orientation program, and was instrumental in persuading the school to establish a summer program.Horton has organized and produced The Extra Hour speakers program this year. Most notably, however, he has chaired the SBA's Committee on Professional Qualification, and has done an extensive amount of its successful work in lobbying for the Diploma Privilege bill.

Tina Isaac, a junior who has been Secretary of the Board for the past year, won the office of Vice President by default. Isaac has, in addition to her Secretarial responsibilities, organized all SBA social activities.

Dale Busacker, a freshman, who also ran uncontested, won the office of Treasurer. Busacker has chaired the SBA's Summer School Committee.

The office of Secretary was not filled at the special meeting. Each of several Board members who were nominated withdrew their name. The Board will reopen nominations for that position at its next meeting.

Although the meeting was called for the special limited purpose of electing officers, informal discussion of a proposed amendment to the SBA Constitution which would abolish the offices of President and Vice-President was allowed by the chair. It was decided that formal consideration of the matter was out of order at the special meeting, but that a committee would be appointed to study the matter more closely.

President Fred Finch, who presided at the meeting, was asked for a ruling as to whether board members who are outgoing seniors should be allowed to vote for new officers. The SBA Constitution and by-laws are vague in that respect, and Finch ruled that although he personally felt that they should not vote, he felt bound by precedent to allow them to. His ruling was challenged, but the challenge was defeated and the ruling stood.

See 'Elections,' Page Fifteen

Horton

Isaac

Busacker

Dean Says 12% Tuition Hike Is 'Reasonable, Justified'

Prepare to tighten your belts.

The price of a law school education, like everything else these days, is going up.

William Mitchell tuition will be $1100 next year, Dean Douglas R. Heidenreich said in an interview.

The Board of Trustees approved the increase April 9th after considering rising costs and the pressures of burgeoning enrollment.

If it's any consolation, the Dean's finding, after reviewing law school tuition nationwide at the Board's request, is that so far we've been getting a bargain. Among comparable law schools, Mitchell's present annual tuition ($950) is substantially below the median ($1170). An increase to $1100 for 1973/74 is, the Dean feels, reasonable and justified.

If a twelve per cent increase at one time seems high, it's not unusual. The last tuition hike — from $850 to $950 two years ago — was also twelve per cent.

Even with that increase, however, the cost per student of a William Mitchell education (total budget divided by number of students) has increased only 7 per cent in the last four years.

With a 12 per cent tuition increase next year, the cost per student will rise appreciably in 1973/74, but it can be expected to level off or even decline in succeeding years, until the next tuition increase.

William Mitchell students are bearing the brunt of rising costs because the school is lopsidedly dependent on tuition to meet its budget. Nine-tenths of its income comes from tuition. Enrollment, and consequently income, have doubled in the last four years. The proportionate share of each major item on the budget (as illustrated in the pie chart below, has remained virtually unchanged in that time, and costs have risen faster than enrollment. Hence the increased per student cost.

Here's a rundown on how the school's growth has affected costs in the last four years:

— faculty cost (the largest single item on the budget) has increased 91 per cent. The number of faculty members, full and parttime, has doubled in that time.

— library cost has tripled. This is the only item on the budget that has increased its share of the total budget. Library expense tends to rise at a faster rate because the many new acquisitions also involve continuous updating.

— administrative cost (largely office salaries) and other office expense have doubled. This rise reflects the increased student and faculty demand for office services.

— maintenance and rent expenses have doubled, due largely to the growing need for overflow space at St. Thomas College.

Enrollment has not peaked yet, according to the Dean. He

See 'Tuition,' Page Thirteen

Mitchell to Offer First Summer Session

For This Summer

William Mitchell will embark on another new venture in legal education this summer, with the start of the first summer school program in its history.

The Student Bar Association's Summer School Committee, Kay Silverman, Dale Busacker, Marilyn Neuschwander and Jim Verkest, studied the feasibility of a summer program at Mitchell. They conducted a survey to determine the interest of students in summer school. The survey showed that 143 Mitchell students are willing to attend courses during the summer. The committee submitted the results of their study and survey to Dean Heidenreich, accompanied by a recommendation that a summer program be initiated for the coming summer. The committee concluded that the purpose of the program be threefold in dimension: to accelerate the educational experience of students who wish to shorten their educational career by one semester; to allow students to take courses during the summer so that they could lighten their credit load during the regular school year; and to allow students the option of taking more elective courses than they otherwise could. Those who shortened their education by one semester would be able to sit for the February Bar Exam under the present system. An added benefit, the committee felt, would be to allow more students the opportunity to take courses which have restricted enrollment.

Dean Hiedenreich responded to the proposal by calling a faculty meeting, which was attended by twelve faculty members and two of the SBA committee members. The meeting was the scene of a lively debate. The Dean, at times, acted as referee.

Some of the comments addressed problems relating to availability of instructors, added administrative problems, and the summer heat. It was eventually determined that these matters could be worked out or did not present any real difficulties.

The matter which evidenced the most concern was whether the school should or should not permit law students at Mitchell to shorten their educational career by one semester. Some instructors felt that the longer educational experience and the combined opportunity to simultaneously work in a legally related position during the day is the major advantage of a four-year evening school, and that it may be unwise to encourage students to forego these advantages. Advocates of summer school countered by arguing that Mitchell's academic program will still be longer than all day law schools and students will still have an opportunity to work for three and one half years in a legally related job.

Some instructors also expressed their concern that students should not go, or may be unwilling to go to summer school, because the rigors of the regular school year may have drained them of the necessary energy. Summer school proponents replied that since no student is forced to attend summer classes, the option should be allowed for those students who do wish to. The proponents of the program also pointed out that if students are given the option to graduate in 3½ years, some will do so and others will not, so that the supply of law graduates will be staggered and the job market will not be flooded with all the candidates at the same time. They argued further that the building space, rather than sitting vacant and useless during the summer, would be put to good use. They also reminded the faculty that there are many more students at Mitchell now who are not working or working only part time, than has been historically the case. An added benefit, they suggested, would be that pressure on classrooms will be relieved during the school year, because fewer students will

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Paul J. Sheerer, Director, William Mitchell Summer School

WILLIAM MITCHELL OPINION

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STATEMENT OF POLICY

The WILLIAM MITCHELL OPINION is published by the Student Bar Association of the William Mithcell College of Law for the purpose of educating and informing Mitchell students and alumni of current issues and affairs of law and the law school. In furtherance of that purpose, the OPINION will present the views of any student, faculty member, alumni, or the administration.

The OPINION will endeavor to fully and thoughtfully consider all material to determine its relevance and appropriateness before publication. Such consideration will be made with the assumption that freedom of the press within the law school is no less a fundamental right than outside the law school; and in view of the OPINION's recognized responsibility to the members of the student bar, practicing attorneys, and faculty and administration of the law school. Editorials represent only the opinion of its writers.

Guest Editorial

CARBON MONOXIDE ANYONE?

by Russ Doty

The 1972 U.S. surgeon general's report, "The Consequences of Smoking," presents conclusive evidence that smoking is harmful to non-smokers because of the effects of carbon monoxide (CO) and particulates. Exposure to high levels of carbon monoxide in smoke-filled rooms may impair work performance and affect auditory discrimination, visual acuity, and the ability to distinguish relative brightness. So, recently tests were conducted in the William Mitchell hallways during class break to determine the CO levels.

The tests showed that Mitchell smokers raise the CO level in the air to above the Pollution Control Agency eight-hour standard — nine parts per million.

Reasonable requests to the school administration to abate this health hazard were dismissed with little faculty discussion and with the annual admonition, in the school rules, not to smoke in the classrooms — scant consolation to those who find that smoke-filled air travels from the hallways to the classroom.

Chief Justice Warren Berger, who got cigars snuffed out on AMTRAK, was asked to use his influence as a William Mitchell director and urge the administration to protect the rights of non-smokers to breathe clean air. The letter to Berger, sent three months ago, and reprinted in the January OPINION, remains unanswered.

This type of bureaucratic indifference to reasonable requests invites more drastic action. Two bills before the legislature call for segregated facilities in public places for smokers and non-smokers. Urge your legislators to pass them.

In this same vein, ask the dean to place smokers in separate classrooms on a floor by themselves and start an initiative for a vote of the students to prohibit smoking on three of the class days (8 of the 12 class hours) in deference to the two-thirds of the adult population who are non-smokers.

If all else fails, rather than sit-in or picket, law students should sue — a class action for injunction or other relief against the school administration, directors and smoking students. It may be difficult to state a cause of action, but equity is supposed to be able to remedy legitimate problems and it is a good opportunity to make new law.

New suggested approaches might include: 1) pleading constitutionally protected right to clean air under the 5th, 9th and 14th amendments as established in the dicta of **Environmental Defense Fund v. Waldorf-Hoerner** (it may be difficult to establish state action), 2) a private nuisance (it may be difficult to establish damages), 3) violation of **Minn. Stat.** 116B (1971), the Minnesota Environmental Rights Act (may have trouble proving that the inside of a building is part of the "natural environment" which is protected by chapter 116B), 4) violation of new Occupational Health and Safety Act (the standards under this act — 50 PPM — are not as tough as those of the Pollution Control Agency and it may be difficult to prove a violation), or 5) an action at law to compel contract performance and make good the warranty of fitness for a particular purpose of the school building, i.e., the duty of the administration to provide a clean and healthful environment as conducive as is possible to keeping students alert during the educational process and not droopy because of carbon monoxide pollutants (it may be difficult to show that Mitchell is selling a product and not a service).

YOUR OPINION PLEASE

To the Editor:

The idea of establishing a law review at William Mitchell is certainly not novel, but because of the efforts of a few students a meeting was held the evening of March 13 which may bring such an idea closer to reality.

That meeting was attended mostly by freshmen. One might say that freshmen are responsible for getting the ball rolling. Be that as it may, it is time for a lateral pass across class lines and the sophomore and junior classes should take the ball and run with it.

There are two reasons why the sophomore and junior classes should take a more active role than the freshmen in getting the law review going.

The most apparent is that the upperclassmen have a shorter time in which to profit from the proposed law review. Editorial and publishing preference should be given to upperclassmen as an inducement to participate, and as simply a practical matter.

Another is the need for upperclassmen leadership and experience. The freshmen class may be able to contribute the essential numbers and enthusiasm but upperclassmen are needed to add strength and depth to the effort.

Save the senior class, all students currently at Mitchell are in a position to potentially benefit from a law review. But if the current sophomore and junior classes are to benefit substantially the action must be swift and of the moment.

This freshman and a number that agree with him are asking for help from the sophomores and juniors in getting a law review going.

We need your help and we recognize that fact. You need our help and we are willing to give it. We have demonstrated that by our actions thus far.

A concert of actions between the classes can make a law review at Mitchell a reality. It's time to get together to begin the work at hand.

Frank Gerval
Freshman,
William Mitchell

COMMENT

This is the last issue of the OPINION for this school year. For the OPINION, it has been a generously rewarding year. One year ago, the SBA was seriously considering discontinuing publication because of lack of funds and interest. In the twelve years preceding the last, the OPINION had never been published more than twice in a year, and many of its readers were less than enthusiastic. At the end of the 1971 school year, an SBA poll showed that 20% of the student body were "very interested," 46% had "some interest," and 34% felt it had "no merit." As recently as last fall, Dean Hiedenreich warned the new Editor-in-Chief not to be disappointed if the trend continued.

This year the OPINION has averaged over thirteen substantive pages in each of its five issues, as compared with six pages in past years. The decision to begin selling advertising space this year has resulted in $1,890 in gross advertising revenue.

Three separate articles written by members of the OPINION staff were reprinted in magazines of national distribution. One issue of the OPINION, which contained a special four-page supplement on the Diploma Privilege, was hand delivered to each Minnesota legislator. The OPINION has generated controversy within the school; it has covered, and in some cases prompted, some of the most significant changes that William Mitchell has experienced. One need only stand near the newsstands as the OPINION is distributed to recognize the new interest it has generated.

The editors of the OPINION are pleased to be able to thank the student body for its response, the SBA Board of Governors for its cooperation, and the OPINION staff for its very special interest, time and talent.

K.T.S. S.R.B

WHO DID IT?

I'm always surprised. From time to time, I hear remarks that the Student Bar Association, of which all Mitchell students are members, is a waste of time. Or that members of its Board of Governors are self serving. It has been said that only the foolish and the dead never change their opinion. I'd like to give those who make such remarks one last opportunity to show that they are not to be included in either category:

This year at William Mitchell has produced the most dramatic changes in recent memory, if not in the school's history. Mitchell students (i.e., the SBA) have prompted, and in most cases, planned and implemented these changes. The SBA's Board of Governors has, in its administrative capacity, directed the SBA through its most active and fulfilling year ever. In many cases, it was the Board members themselves who assumed full responsibility and spent countless hours of precious time to get a program off the ground.

The Clinical Education Program, which will be an invaluable asset to all who participate, and to the indigents who would have gone unrepresented without it, was proposed, intensively researched and planned by the SBA.

It was SBA members who suggested and planned the well-received Criminal Justice Symposium which was held during Thanksgiving vacation. It was the Board of Governors which persuaded the Dean to seat a student representative, with full voting power, on the Scholarship Committee. It was a Board member who, after exhaustive research, proposed a revamping of the procedure for granting scholarships. The Dean accepted the proposal.

The unprecedented, intensive lobbying effort to establish a Diploma Privilege was designed and executed by Board members. Were it not for the conviction and persistence of Board members, there would be no new summer school program beginning this June. Neither would there be the likelihood of a long-awaited William Mitchell Law Review beginning next year, or the new, convenient year schedule beginning in the Fall of 1974.

Without an organized SBA, it is unlikely that a used book store would exist, or that there would be a school paper, or a continuing speaker program. It is just as unlikely that the Red Cross Regional Blood Center would have received 66 pints of free blood, or that the Prisoner's Advisory Council of Stillwater, Minnesota, would have received the two volumn set of **Prisoners' Rights** books.

Prior to this year, the accomplishment of nearly any one of these programs by the SBA would have been hailed as monumental.

The 'changing face of William Mitchell' has witnessed a noticeable decline in the general apathy which previous students have exhibited towards student government here. The SBA, through its Board of Governors, has effectively channeled student criticism and discontent into coherent, constructive suggestions. It has successfully injected the student perspective into the school's decision-making process. The undeniable result is that our legal education has been made more meaningful, effective, and to some extent, enjoyable.

The SBA cannot force the administration to make changes. The Board has, however, gained the increased confidence and cooperation of the administration.

For those students who remain ambivalent towards the SBA and its Board, you may take your choice of the above categories.

S.R.B.

Just As The Fun Begins

SBA President's Report

This is the last column I will be writing as President of the Student Bar Association, and the last I will write as a Mitchell Student. In one sense I write this column with a great deal of relief. A legal education that once seemed to stretch forward for an eternity is almost over. In another way, though, I feel like I'm leaving the party just as the fun is about to begin.

FRED FINCH

Next year William Mitchell will have a school-sponsored and student-run legal aid program in operation which will provide service to the St. Paul community and much needed student practice.

A William Mitchell Law Review is going through the planning stages and looming wondrously close to reality. The program is being planned with full faculty support and excellent student participation.

William Mitchell will, for the first time in the memory of anyone at the school, have a summer session this year to allow students to take elective courses during the summer. This reduces the demands on students' time and psyches during the regular school year and allows a more intensive look at these elective courses than would otherwise be possible.

Mitchell faculty members are departing from past practice by utilizing new and innovative teaching methods. Don Pederson's Debtor Counseling Seminar, for example, has made extensive use of an elaborate video tape system to give more feedback to his students about their performance in a simulated law office situation. Both the simulated client encounter and the use of electronics are relatively new to Mitchell.

New first and second year instructors are departing from the traditional casebook-and-recitation method, and from the all-the-eggs-in-one-basket final examination in many cases.

The faculty has considered a student-suggested revision of the school year so that school would start in August. The semester break would come at Christmas, and the spring semester would end in early May to allow an early start on summer employment or study for the Bar Examination. This proposal has been accepted and the new schedule will go into effect beginning in the fall of the 1974-75 school year.

Many of these new programs are the direct result of student ideas and student effort. All of these programs depend on continued full student support for their success. The prospect is that Mitchell will continue to be a law school where students to a large extent educate themselves.

The point I wish to emphasize is the same one I have articulated in this column before. **Your legal education at William Mitchell is what you want to make of it.** If you stick to the easy courses and do just enough to get by you'll still get the same piece of parchment to hang on the wall as everybody else does. If you participate in student activities, write for the law review, or sign up for the clinical program and give your best effort to make this a better school, you'll be doing much more to make that piece of parchment **mean** something than can all the endorsements by the Chief Justice that "you can get here from there." Keep the good work coming!

Reform Assured On Bar Exam

by Don Horton

After initially being defeated in the House Judiciary Committee, the Diploma Privilege Bill successfully passed out of that committee with recommendation to the full house that it pass. The reason for the success on rehearing was due largely to the efforts of Harry Seiben, the chief author of the Bill in the House. The bill has subsequently passed the full House by a vote of 86 to 43.

The Senate sponsor, Winston Borden, will now move to pass the bill out of the Senate Judiciary Committee and onto the floor of the Senate. If the bill passes the full Senate, it will then go to the Governor for his signature.

The chances of the bill's success are open to speculation, but one thing is certain, the Bar Exam is on the threshold of being reformed. All of the legislators, pro and con, were appalled by the hardships created by the way it is currently operated. To a man, the legislators expressed no sympathy for the claims made by the Board of Law Examiners. They had contended that there is no cause for concern, since other states are worse, and that nothing can be done to remove the hardships of the current system.

It seems safe to say then that the legislature is on the law students' side, and that law students have gained enough momentum to move what SBA president Fred Finch called the "dead weight of the Minnesota Bench and Bar."

Howard C. Westwood in 50 A.B.A. Journal 659 (1964) said, "The Bar . . . has a tendency to resist change, to be strong on criticism but weak on constructive suggestion for change." Almost ten years later his observation still holds true. We think it's time the legal profession stopped treating the problems of law students as hypothetical ones.

Be Prepared

The Dean's Column

Changes to which we have already committed ourselves, or which are being seriously considered, are due in large measure to the enthusiasm and willingness to work of the Student Bar Association and the student body in general. Student committees have worked on the proposed summer session, the proposed change in calendar, a law review proposal and other subjects. Their contributions have been important and helpful and they have given thoughtful and mature consideration to the solutions of various problems.

DEAN HEIDENREICH

There has, however, been a disturbing tendency, particularly in the first year and to some extent in the second year classes, toward less than ideal attendance, and on some occasions lack of preparedness has been attributed to the fact that students were busy preparing material for other courses.

It goes without saying that the work load placed on students by other course work is no excuse for lack of preparation. Any student who thinks that in the practice of law he will be able to ignore one client because he is busy with another's affairs or that he will be able to beg off appearing in court at the required time because of the press of other matters is obviously in the wrong business. In admitting people to law school we try to determine the extent to which they have the ability to succeed. We measure their demonstrated academic ability by means of their undergraduate performances, and their aptitude for the study of law by the LSAT scores. We cannot measure their enthusiasm, their diligence or their common sense. Anyone who ignores his responsibilities in one area in order to deal with another course or other responsibilities obviously is lacking in all three.

A student should be absent or unprepared only in rare, unusual, emergency circumstances. In any case, a student who is supposed to be responsible to himself, to his classmates, and to the profession that he seeks to enter, must cringe at the thought of having to acknowlege lack of preparedness. Nevertheless, some students seem to have no qualms about it. Some feel that as long as they are paying tuition they have the right to attend or not as they wish, to prepare or not as they wish, and to approach the study of law in any manner that they deem appropriate. We hope that anyone who may have begun under such an impression will by now either have withdrawn or become disabused of his erroneous views.

Perhaps part of the problem arises because we of the faculty have not been harsh enough with students who have offended in this fashion. We anticipate that all faculty members will accept the responsibility to remedy that situation in the near future.

How time flies when you're having fun.

STEPHEN DOYLE

by Stephen Doyle

Click-click; click-click; click-click. Bodies scampering, pushing, and shoving to get a place to sit; 8½" x 14" yellow legal pads are positioned and the bic bananas are readied! As the heavy breathing subsides . . . HE SPEAKS!!!

You ask yourself (go ahead, ask yourself), is this a rear Presidential press conference, or the beginning of an exam? Alas, it is nothing less than an oft repeated scene at Billy's Lawyer Factory.

Yes, we students continue to respond to noise makers; we cheer when Bob Varco is berated for suggesting that class time is being wasted as third year Trusts and Estates instructor Bill Green complains at length that two blue books were used instead of one; we allow the fraud of numbering exams instead of signing them to continue, when it appears that the availability of our files to the faculty makes them about as private as posting our exam numbers on the bulletin board.

We all know these are but a very few of the silly-ass games perpetrated upon us. Perhaps I'm naive, but I begin with the assumption that students should be outraged when their names are on returned exam papers; when instructors, because of an inconvenience to them, miss class during the semester and reschedule makeup just prior to finals; when the right to privacy (in regard to files and records) is an unheeded cliche; when it becomes clear that some faculty members have the needs of the student and school low on their priority lists. This is especially disheartening is light of the fact that a report on William Mitchell by the ABA committee of Legal Education and Admissions to the Bar, dated August 21, 1972, that "An examination of the budget for the year 1971-1972 and of income and expenditures for the two preceding years discloses that, for each of the three years, total expenditures for the salaries and wages have been more than eighty per cent of the total tuition and fees collected."

For the rest of our lives we will live with either the stigma or credential of being a Mitchell graduate. Essentially the choice is ours.

Pavlov trained dogs to respond to noises. Bill Green and his carnival clicker are in close competition. **Click-click, click-click, click-click.**

* * *

ARE MINIMUM FEE SCHEDULES IN VIOLATION OF ANTI-TRUST LAWS?

One Lewis Goldfarb sought to purchase a home in Fairfax Co. Virginia. He attempted to retain a lawyer to search title for him and nineteen out of nineteen quoted him a fee of $522.50 and all refused to go below that figure. Goldfarb, a Federal Trade Commission attorney, filed suit against the state and local bar association for illegal price-fixing under the antitrust laws. Judge Bryon's opinion of the case stated: "Minimum fee schedules are a form of price fixing and therefore inconsistent with antitrust statutes prohibiting anticompetitive activities."

However, before critics of minimum fee schedules drink to the apparent precedent, Judge Bryon was speaking specifically to the Fairfax County association, a private voluntary association not exempt from the antitrust laws. The general issue remains alive, as previous cases have held that certain state "activities can be exempt from the antitrust laws." Can one then assume, as does the February 1973 issue of "The New Republic," that "to the extent the Virginia state bar is considered a 'state administrative agency,' Bryon's decision may encourage the minimum fee schedule process to move from nonexempt local

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MPIRG Tackles Health Care Field

by Brian Peterson

Is the health care profession motivated by good will, and a desire to serve all of the public's needs, or is it more accurately an enormous industry, dominated by policies of maximum growth and profit? Are middle and lower income class people who get sick best cared for by expensive hospital emergency rooms and out-patient clinics, or by small decentralized clinics offering preventive care in neighborhood settings? Can a class-action suit brought by health care consumers to test the statutory construction of the recent Certificate of Need Act result in making powerful health planners more accountable to public needs? These are questions which the Minnesota Public Interest Research Group answered in its recent study evaluating the delivery and costs of health care in Minnesota.

Hospitals cluster

A brief review of the facts involved in MPIRG's lawsuit against Hennepin County's General Hospital reveals that the Twin City area has many good hospitals, although most of them tend to cluster in the same areas. One of these hospitals, Hennepin County General, is outmoded and almost decrepit, and has for some time been in need of replacement. Five years ago, voters agreed to finance the new hospital at a replacement cost of twenty-five million. Two years later the funding ceiling had leaped to seventy-one million dollars, including a substantial increase in hospital beds and other accessories — the largest expenditure ever for health care in the metropolitan area. While it took two referendums, political pressure, and plenty of fast talking, enough county voters finally swallowed the whole construction package.

In a joint effort with the Metropolitan Medical Center, the General Hospital applied for certificate of need for the entire project including 1221 beds, in February 1972. The certificate of need was granted in June, and the ground breaking ceremony in August was accompanied by the filing of MPIRG's lawsuit.

MPIRG's lawsuit recognizes the obvious need for tearing down the old hospital and building an equivalent replacement; however, it opposes the vast expansion of hospital services, providing improved special services for a few people, while a large population group residing near the area have inadequate or no care. Public hearing three years ago, and numerous studies since have demonstrated an overwhelming health care need for providing decentralized out-patient services to the public. Large areas of central Minneapolis and rural Hennepin County have so few private doctors that accessible, routine health care is almost nonexistent. Other large cities (such as Denver, Colorado) have proved the superiority of offering preventive medical services at local neighborhood facilities: helping people stay healthy, or treating them before they become sicker and thus more expensive to cure. This contrasts with the present system of treating the impoverished sick only when their illness has become too serious to ignore, either in an overcrowded emergency room, or in a very expensive outpatient clinic.

1,280 beds too many

Compounding this problem is the continuous oversupply of 1,280 hospital beds (out of a total of 9,191 beds) in the twin city area. This low rate of hospital efficiency, well below the minimum acceptable level, inflates hospital expenses enormously. The extra cost of maintaining services for all these empty beds, 2/3 the cost of a full bed, is passed on for the patient to pay. Consequently, not only are many lower and middle income people receiving only inferior care or no health care at all; those individuals who can more easily afford health care costs are forced to pay more than they should. This inequitable situation results from hospital planners and health magnates carrying out their own wishes, building their own empires, before considering the total health care needs of the area.

MPIRG files suit

MPIRG filed its class action suit in August 1972 to test the "Health Care Facilities Certificate of Need Act" (M.S.A. 145), which prohibits the construction of modification of health care facilities unless a certificate of need has first been issued. The purpose of this recent (1971) legislation is threefold: to prevent duplication of health facilities through unnecessary construction, promote health planning so that money which is spent meets real needs and priorities, and to insure maximum participation of local consumers in health decisions. MPIRG asserted that the agencies charged with regulating this act (State Board of Health, Metropolitan Council, and Metropolitan Health Board) were only "rubber-stamping" the 71 million dollar proposal, approving it in an arbitrary manner, and not honestly reviewing the evidence supporting the building of a "super-hospital" as it related to the greater need of primary care for areas provided with inferior or no health care at present. MPIRG asked the court for an order reversing the State Board of Health's final decision approving General Hospital's plans, with respect to certain parts of the proposal, specifically the increase in hospital beds. Secondly, as a condition to affirming the Certificate of Need grant for the remaining portions of the proposal, MPIRG sought a court order requiring the two hospitals to develop a comprehensive program for delivering primary health care through neighborhood clinics.

Whether the court will interpret the Certificate of Need Act as requiring an extensive, good faith review of such health care proposals remains to be seen. To date, the lawsuit has served its purpose far more as a tactical maneuver in the public interest, increasing the pressure on health planners to become more accountable in their decisions. For example, the turmoil resulting with the State Board of Health from the MPIRG challenge resulted in a mass resignation of members. The publicized need for decentralized neighborhood primary health care center became the single greatest issue in the fall '72 campaign of the Hennepin County Commissioners.

Consumers unite

A second major consequence of MPIRG's lawsuit outside the courtroom was a revitalizing of the local consumer health movement. Initially, interest in bringing the suit as a class-action brought together members of "free" medical clinics, senior citizens, community groups and other health-care consumers. Demonstrations staged at meeting of the Metropolitan Council, and later the Hennepin County Commissioners served to draw good press coverage and stir up public support for primary care. Later, members of these diverse consumer groups, along with interested hospital staff and doctors, formed the Hennepin County Health Coalition, which was given grant money to foster planning and development of decentralized health care facilities. Finally, the county set aside $70,000 to grant out to various community groups and individuals to develop specific plans for services required in their areas. Many of these events might never have occurred were it not for the public attention and pressure which the MPIRG lawsuit brought to bear on hospital and county officials.

Issues not clear

In conclusion, health care delivery is an important area in which public interest law should develop, because huge amounts of taxpayer's money is spent by individuals often unaccountable to public needs for adequate health care. To date, the general public has not been well enough informed to reevaluate outdated concepts of health care delivery. Consequently, MPIRG must argue not only legal questions in court, but also more elusive policy issues (i.e. is the neighborhood health care concept always superior to the traditional, highly centralized hospital complex; when is preventive care more economical than emergency or "shotgun" type treatment). Unlike environmental lawsuits, where the public can readily see the right side of the issue, and tell the good guys from the bad, health care lawsuits are more complex and the issues are harder to clarify. Besides, hospitals and doctors have long been considered as "the good guys." More public education and support for changes in our health care delivery system will be needed before policy issues can be openly resolved. Meanwhile, MPIRG waits to test the Certificate of Need Act in Court, and General Hospital is on the rise.

HAVING FUN, from page three

bar associations to exempt state bar associations?"

* * *

RUMOR OF THE MONTH AWARD ...

(In order to be considered for Rumor of the Month Award, the rumors must be totally unsubstantiated, timely and vindictive.)

The reason some of the faculty won't support the diploma privilege is because some of them teach the bar review course and would lose some income. Now, not all of those that teach the course are in opposition to the diploma privilege, nor are all of those who teach the course and who oppose the privilege are opposed for this particular reason. But as the saying goes: Wear it if it fits.

Interestingly enough, a direct correlation between those who succeed on the bar exam and those who take the bar review course has been shown. This rumor continues wondering if that's because the course is helpful or because the Board of Bar examiners are interested in being gainfully employed. Is it possible that they receive, from their friends the instructors, a list of those who took the bar review course, and thereby guarantee the correlation's continuance.

Nasty, Huh?

* * *

William Mitchell student caught loitering about the University's law school and confronted by their dean to account for his presence:

Mitchell Student, "Slumming it, Dean. Just slumming it."

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ACTION NEWS

PRESS POWER PREVAILS

Column 1

by Steve Mihalchick

Few people would ever consider contacting an attorney with a consumer problem. The same attitude prevails when it's a contract problem or difficulties with a government agency. A citizen with a complaint is much more likely to contact one of the consumer service agencies in his community. Two such agencies that are associated with the Minneapolis news media are "Action News" on WCCO-TV, and "Column One" in the **Minneapolis Star.**

Both "Action News" and "Column One" state their primary purpose as "service to the public." Pat Dewing of "Action News" adds, "We're putting something into the community, not just taking out the advertising dollars. It's good public relations; puts our name in the minds of the public; makes us champion of the underdog." Such public service is also emphasized to the FCC when the license is up for renewal. Editor Deborah Howell of "Column One" says the column is designed to assist and educate all their readers, both those who write in and those who just read the column. They also try to make it enjoyable reading; the column is the most widely read part of the paper, next to "Dear Abby."

'Virtually the entire operation is carried on by correspondence, usually on standard form.'

The operations of the two services are amazingly dissimilar, and this fact is reflected in their staffing. Dewing and Kathe Kertz handle the paperwork for "Action News." They share a photographer with "Consumer Inquiry," another WCCO news feature.

While Kertz is a speech major "with a journalism minor," Dewing bills himself as a college drop-out with some experience in radio and television. He has worked on "Action News" for 2½ years. (This should prove interesting to Bob Mattson, second year student at Mitchell and Director of Consumer Affairs for St. Paul. Reportedly, "Consumer Inquiry" chided the department for having a director with absolutely no legal background.)

Virtually the entire "Action News" operation is carried on by correspondence, usually on standard form letters. Some phone calls are made to a few key contacts in various government agencies. When a letter is received (no phone calls are accepted), it is reviewed by Dewing or Kertz, and a form letter reply is sent to the writer. This may be a request for more information, a polite statement that there is nothing Action News can do, a card saying the matter has been referred to the proper agency, or a suggestion that the writer contact an attorney or consider Conciliation Court. Sixty letters are received each day by "Action News," and the great majority are referred for more action. This is usually accomplished by attaching a copy of the complaint or inquiry to a cover letter, with a bright red "Action News" letterhead, that says:

"The enclosed letter was sent to Action News. We would appreciate any comment, suggestion or answer you may have.

"We'd be grateful if you would return the letter . . . or a copy of it . . . along with your remarks."

When the reply is received by "Action News," a copy is sent to the writer under cover of another form letter.

Dewing reports a very high rate of satisfactory dispositions—on the order or 90 per cent. He says that most government agencies and businesses, especially the large ones, are very responsive, often doing more than would seem to be required of them. Dewing feels that a great deal of the responsiveness can be attributed to a fear of adverse publicity—a fear that he says is unwarranted, for "Action News" does not give names on the air. Of course, he doesn't say that in the form letter which is sent to the party complained of.

"Column One" has a staff of eight. In addition to Editor Howell, there is one full-time reporter who, like Howell, has a "standard journalism" background; four researchers, with sociology, English, American studies, and Liberal Arts degrees; and two secretaries. Howell states that the main qualifications of her staff are that they are " . . . sharp and don't give up!" "Column One" processes almost 600 inquiries each week, which come in the form of letters or recorded telephone messages. While Howell selects 20 to 30 of that number for special attention, the remaining 95 per cent are referred to other agencies, such as the Better Business Bureau. There are some subjects that "Column One," like "Action News," won't handle. Family problems, advice to the lovelorn, and matters already in court are out of bounds.

Kertz also cites letters from patients in psychiatric hospitals and letters demanding that something be done about corrupt government or high food prices. Howell points to "patently ridiculous" letters such as one wanting to know, "When are the locust coming?" On the other hand, a letter from a Minnesota blacksmith wanting to know where to get buggy parts led Howell's researchers on a merry phone chase through the Amish areas of Iowa and into Pennsylvania.

'Persistence, apparently to the point of harassment, seems to be the method employed.'

The "Column One" staff carries out its investigations by telephone; they seldom write letters and virtually never leave the office. They first contact the writer to verify the facts. If the item is a complaint, they call the company or agency complained of. The call may be to the customer relations department, or, if necessary, to the company executives. Howell tells of calling the Spartan-Atlantic national executive offices to talk to the treasurer and the president about a $700 check for a man who cleared the local store's parking lots.

Persistance, apparently to the point of harassment, seems to be the method employed. "If business won't solve its own problems," says Howell, "then we go to the public agency." They are in everyday contact with the Attorney General, the Federal Trade Commission, the Office of Interstate Land Sales, and the Food and Drug Administration.

Like "Action News," "Column One" claims a high success rate and says that a great majority of businesses are very cooperative. Several complain that the consumer should have contacted them directly. But unlike "Action News," "Column One" does give the names of businesses and agencies they feel have treated the public unfairly. Even when they are unable to satisfy the complaint of the writer, they place a great deal of emphasis on warning other consumers to avoid certain dealers or on giving guidelines by which the consumer can protect himself.

There are, of course, failures by both services. And they often meet with objections. "I'm often asked, 'What the hell makes you think you're a Better Business Bureau?' " says Dewing. He has to reply that he has no real right. Howell reports that she is yelled at and screamed at a lot, especially after an article has appeared in the column. "They threaten to withdraw their advertising, or to sue." No one has actually brought suit yet. "We're very sure of our facts. We keep complete and detailed records of each case. We're able to substantiate every statement we make."

If you have a dispute . . . involving less than $500 with a resident of Minnesota, you may take it to Conciliation Court in the county in which he resides. The filing fee is nominal and is returned to you if you win the case.

An attorney is not needed in this court. Both parties argue the case before the judge. Check your local city hall or court house for details.

Many of the matters handled by "Action News," "Column One," and others like them, involve legal questions, advice, or action that might normally be handled by attorneys: collecting $700 debts, advising on how to protect patents, and enforcing contract rights are typical. When asked why people contact them, rather than an attorney, Howell and Dewing give the obvious answer, "We're free." Several of the items amount to only a few dollars, others run to many thousands of dollars. Lawyers definitely have an interest in these areas—though not an exclusive one.

We suggest you contact . . . a private attorney for help in this matter. Legal service is available to everyone in Minnesota. If you do not have an attorney, contact Attorney's Referral Service 336-9849. They will refer you to an attorney free of charge. The attorney, however, will charge you $10 for your first visit. If further legal service is necessary, any additional charges should be agreed upon by you and your attorney.

If you are unable to pay for an attorney, free legal assistance is available through Legal Aid 332-8984 in Minneapolis or Legal Assistance in St. Paul 227-7858.

Free legal advice clinics are also held in many neighborhood and community centers in the metropolitan area.

In other counties, contact the local bar association for help.

"The line between what is and what is not the practice of law cannot be determined with precision. Lawyers should be the first to recognize that between the two there is a region wherein much of what lawyers do everyday in their practice may also be done by others without wrongful invasion of the lawyer's field." **Cowern v. Nelson,** 207 Minn. 642, 290 N.W. 795 (1940).

These services do a great deal of good in our community. And they wield a sword that is available exclusively to the press. But they are not the pure "champions of the underdog." Their energies are of course, motivated in part by the needs of journalism.

'There is a large segment that turns away from the legal profession because the profession has turned away from the small fee.'

Lawyers who turn to this area of the law could find it rewarding, and not just a social service. Though the fees are small, or non-existent, it has been demonstrated that most often, very little is required to get satisfaction of the typical complaint. Goodwill is the other reward. The value of goodwill to businessmen is precisely the factor that makes "Action News" and "Column One" effective. In a related area, as the 1964 Report of the Committee on Title Aspects of Real Estate Transaction of the ABA stated it: . . . individuals who come to rely on the layman for legal advice in the sale of real property will turn to laymen for similar advice in a host of related areas." There is a large segment of our community that turns away from the legal profession because the profession has turned away from the small fee, the routine case. There may be much to be gained by turning back.

Help Your Courts —Assure Justice

This year, Law Day looks at America's court system.

How it works.

What its problems are.

What the legal profession, the legislatures and the public can do to solve the problems.

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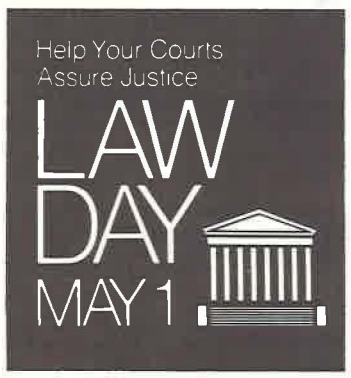
Find out how you can make the system work better.



ABA President Elect:

'Coordination Needed To Stop Breakdown'

The president-elect of the American Bar Association has called for the establishment of unified, statewide courts for the trial of criminal cases throughout the United States.

Chesterfield Smith, a Lakeland, Fla., attorney, said the threatened breakdown of the criminal justice system in many large urban centers makes its reform "an idea whose time has come."

The nation's problems with criminal justice begin with the arresting policeman and continue through the parole officer, Smith said. He added that a lack of coordination and communication in the judicial process causes the erosion of public confidence which exists today.

Smith said the U.S. will experience a return to tranquility only when its citizens trust the justice system. "In many particulars, our justice system of today does not fully measure up to such a standard of trust."

Instead, he said, large numbers of people "look at some of our judicial institutions with scorn . . . It seems to me that attitude on the part of some is not without foundation."

Smith emphasized that what he finds at fault is "the current structure of the system of jusice itself," rather than those who administer it. A majority of the latter, he explained, "have worked beyond all reasonable expectations to make the system work."

The problem, Smith said, is that the judges, prosecutors, defenders, police, jailers and prison officials, probation officers, legislators, social workers and others have not coordinated their efforts.

"That lack of coordination, in my judgment, is the obvious and glaring deficiency in our criminal justice system. It is clear to most of us that rampant injustice does really prevail in our society today," he said.

At every level of the justice system in recent years, the tax dollars spent to beef up police departments and court staffs have helped, and should be supported, Smith said. He added, however, that these often impressive efforts have failed to curb crime or lighten widespread injustices.

Telling the average citizen that serious crimes are not rising as fast because of these new programs is unacceptable, just as it is to tell him his chances of being a victim of crime are less, Smith said.

"We need to be able to tell that citizen — and his family — that criminal violence and criminal activity are actually diminishing, but we cannot do so," he noted.

He explained that "piecemeal reform of the patchwork structure of criminal justice normally will fail. We can strengthen individual actors and specific programs and still not progress overall in any meaningful way," Smith said.

As the system now operates in many areas, each element of the judicial process "listens to a different quarterback" — instead of working as a team. Scorn and suspicion of judicial "teammates" results, he explained.

"The police are annoyed with what they call lenient judges; prosecutors and defenders point to what they call inept and vindictive police enforcement; judges complain about what they style bad legislation and poor correctional or reha-

See 'Injustice,' Page Sixteen

To Prisoner's Advisory Council

SBA DONATES LAW BOOKS

The William Mitchell Student Bar Association has donated a new two-volumn set of books to Mr. T. Eugene Thompson, Chairman of the recently-organized Minnesota Prisoners Advisory Council, at Stillwater Prison.

The soft-bound handbooks, entitled "Prisoners' Rights," was published by the Practicing Law Institute, of Chicago. It contains outlines, text, and synopses of modern case law and statutes which affect those who have been incarcerated. Contributing authors include William Bennett Turner, prison litigator for the NAACP Legal Defense Fund; Herman Schwartz, Director of the ACLU Prisoner's Rights Project and Professor of Law at State University of New York; Michele Hermann of the Legal Aid Society; Michael A. Millemann, attorney for the Institute of Penal Reform; and William E. Hellerstein, Director of the Legal Aid Society Prison Project.

Topics covered include rights of prisoners under the first amendment, rehabilitation, discipline and due process, eighth amendment problems involving conditions in prisons, prisoners' rights regarding parole and post-release disabilities, and remedies available to prisoners when their rights are denied.

Thompson had inquired about the books after reading a story in the OPINION which reported on a Prisoners' Rights Seminar which SBA board member Stephen Bergerson had attended in Chicago. In a nearly unanimous vote, the board adopted a proposal to purchase the books for the Advisory Council.

The Council, which held its first meeting on January 22, 1973, is composed of ten members of the prison staff and ten inmates, together with several ex-officio members.

The Council has drafted its own Constitution. Its stated purpose is to render advice on prison administration and policy matters to the Warden.

The Council has a grievance committee which is responsible for distributing grievance forms throughout the cell halls and to prison staff personnel. If a complaint is received, the committee member tries to remedy the problem. If he is unable, he brings it to the attention of the Grievance Committee, and if they cannot handle it, they bring it to the attention of the Inmate section of the Council, who in turn may elect to bring it before the full Advisory Council.

In addition to the grievance committee, the Council has other committees, including a Group Activities committee, an Athletic Committee, and may appoint such other committees as become necessary. The committees make investigations and analyze situations, and make recommendations to the Council based on their conclusions. The Council then considers the recommendations and communicates its conclusions to the warden.

The SBA presented the books in the hope that they would assist the Council to, in Thompson's words, "make the time of incarceration more meaningful."

Capital Capsules

by Marcy Wallace

One piece of legislation which is of special interest to lawyers and law students has been passed by the Minnesota Legislature this session: a resolution to ratify the Equal Rights Amendment to the United States Constitution. The resolution was passed by the Senate on February 8 by a vote of 48-18 and by the House on January 22 by a vote of 104-28. It provides: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex," and authorizes Congress to pass legislation which would enforce that general principle. If ratified by three-fourths of the states, the amendment would produce broad changes in Constitutional law and would make sexual classifications as constitutionally suspect as racial classifications are today.

A Senate subcommittee is currently revising Minnesota statutes to repeal or amend those sections which violate the principles of the Equal Rights Amendment.

Several major bills have been introduced this session which would make major changes in existing law; a description of these bills and their status follows:

Uniform Probate Code — The Code would allow informal, unsupervised administration of most estates and would reduce the need for appraisers and court appearances in many cases. It would also introduce the concept of the augmented estate, which is similar to the adjusted gross estate of the Federal estate tax law. This would bring certain inter-vivos transfers into the estate, thus preventing a person from disinheriting his spouse by non-probate transfers. Like the Uniform Commercial Code in its area, the Probate Code would also modernize and organize the entire area of probate law. It is currently being studied in subcommittee in both houses.

Non-Fault Automobile Insurance — Six no-fault bills have been introduced this session. All would require drivers to purchase first party insurance which would pay for some of the economic losses resulting from automobile accidents, irrespective of fault; most would either abrogate the right to sue in tort for automobile accident injuries, unless the injury is severe, or would limit the amount of general damages that can be collected in an automobile accident negligence action. The bills are being studied in subcommittee in both houses.

Age of Majority — A bill which would change the age of majority from eighteen to twenty-one has passed the house and is being studied in committee in the Senate. The new age of majority would apply to all adult privileges, but would except certain benefits which are now provided by statute to persons under 21.

Landlord-Tenant — Although there are several bills in this area, the major change in the law would result from a bill which allows tenants to force landlords to repair substandard premises by bringing a special action in the district court. The court would be given broad powers to order the owner to make repairs and to appoint an administrator to receive rents until the repairs were made. The bill has been approved by a Senate subcommittee.

News man's Shield — This bill would forbid any state official from forcing a employee of any news media to reveal a confidential source unless the person seeking disclosure could convince a court that that disclosure was so essential as to meet certain very strict tests.

News man's Shield — This bill would forbid **any judge** or state official to force a newsman to reveal his confidential sources in nearly all cases. Only in situations of grave emergency could a court order to for disclosure be obtained. The bill has been approved by a Senate subcommittee.

SBA Reps Resign

Special Election Held

The Student Bar Association Board of Governors has accepted the resignations of two of its members. The resignations of Steven Puck, senior class section representative, and Tony Jachimowicz, freshman class section representative, came in response to a letter of concern written to several board members.

Many members of the board had become disenchanted with the repeated unexcused absences from board meetings and apparent lack of interest of a number of their fellow members. A resolution was passed authorizing the Secretary to write letters to those members requesting them to either make a more affirmative showing of their interest in fulfilling the responsibilities of their elective position or submit their resignations.

James Lundin was elected in a special election held to fill the vacated freshman position. The board decided not to replace the senior representative because of the brief time seniors have remaining in their law school careers. Steve Radtke, Joel Watne and Fred Finch, SBA President, will continue to represent their respective sections and assume representative responsibility for the section formerly represented by Puck.

Professor Pedersen To Leave

by Larry Meuwissen

"An outstanding lawyer is a creative lawyer, and law school is the only place that one can take the time to explore the origin, development and philosophy of the Law in order to develop the ability to approach it creatively."

At the end of the current school year, Professor Donald Pedersen will leave William Mitchell to become a Professor of Law at Capital University School of Law in Columbus, Ohio.

During his four year tenure at Mitchell, Professor Pedersen has taught Property I for 4 years; Agriculture Law for 3 years; Debtors and Creditors Rights for 3 years; Introduction to Law for 2 years; Jurisprudence for 1 year; and a Debtor Counseling Seminar for 1 year.

Regrettably, this writer has not had the opportunity to enroll in any of his courses since Property I, but on the basis of that limited experience, it seems fair to describe his method as that of persistently challenging the creativity of the student. Reciting a brief in his class made one feel as though he were actually arguing the case to the court on appeal.

Until now, Minnesota might have been characterized as the "center of gravity" in Pedersen's life and career. After growing up in South Dakota and Wisconsin, he obtained his college degree at St. Olaf's in Northfield, Minnesota. Following his legal training at Northwestern, he went to Nebraska, where he taught Political Science for one year. Then, he practiced law in Wheaton, Minnesota, for five years before coming to William Mitchell.

PROFESSOR PEDERSEN

Pedersen has been active in the Continuing Legal Education (C.L.E.) Program in Minnesota. One of his last tasks (other than final exams) will be a two day C.L.E. program on Agriculture Law in Marshall, Minnesota, on May 18 and 19. He will assume his duties at Capital in its second summer session with an Agriculture Law Seminar.

During the regular year he will teach a six credit freshman Property course and will begin developing an Advanced Property course in the areas of land financing and development, urban planning and renewal, and government housing.

With a total enrollment of 450 people in both its day and night divisions and 18 full time faculty members, Capital has much smaller sections, and so a smaller student-faculty ratio, than William Mitchell. Pedersen is pleased with that. Another advantage for Pedersen is that his night teaching assignment will be limited to one night per week.

Pedersen said that Capital is beginning an ambitious building program with elaborate plans, and he likes to think this move will be permanent.

Mitchell Law Review Planned

by Jim Verkest

On March 20, 1973, a meeting was held to discuss the feasibility of starting a Law Review at William Mitchell. The meeting was attended by nearly 100 students and their interest in Law Review was very high.

Jim Lundin, a freshman SBA representative to the Board of Governors was instrumental in setting the meeting up. Also attending the meeting were Professors Steenson and Haydock, both of whom commented on their experiences with Law Review work when they went to school. Both felt that Law Review was a very important part of the training of lawyers. Professor Steenson has indicated a willingness to work with the SBA in determining whether a Law Review should be started at William Mitchell and what would be necessary to make it become a reality.

A good share of the meeting was devoted to a question and comment session by the students and faculty in attendance. Several copies of various Law Reviews from other schools were passed around for the students to look at. Professor Steenson tried to direct the attention of the group to the critical questions of whether there should be a Law Review at William Mitchell, and if so, what kind of format should be used. Other important questions such as what standards should be observed as to the quality of the articles accepted and where the financing for a Law Review will come from were raised.

After a considerable amount of discussion of those questions, it was decided that the group should split up and allow three open committees to form to discuss the situation in depth. Three committees, the Business Committee, the Format Committee and the Standards Committee were formed. These committees have since had committee chairmen appointed and have held subsequent meetings. It has been decided that by the end of April, the Coordinating Committee, which is composed of the co-chairmen of the other three committees, will submit a proposed constitution for the Law Review and make recommendations for format, cost of operation, qualifications of editors and goals of the Law Review.

There is a growing recognition that the establishment of a Law Review is a very important step in the academic growth of William Mitchell. Committee members and faculty advisors have emphasized that it is a demanding project that must be done very well or not at all, and that it will require a great effort and dedication of all classes at William Mitchell if it is to be properly funded and successfully carried out. They have pointed out that a Law Review provides a unique opportunity for the law student to do in-depth research and write competent legal articles, treatises and case notes. For that reason, they believe a Law Review provides one more area where the law student can grow in his profession while going to school.

Sets New Record

SBA Blood Drive Succeeds

The 1973 William Mitchell Blood Drive set a new record for Blood units donated, according to Blood Drive Committee Chairman Fred Finch. Mitchell students contributed 66 pints of whole blood during the six hours the Bloodmobile was at the school.

Finch indicated that an additional six students attempted to donate blood but were deferred for minor health reasons, mostly colds. The deferral rate was much lower this year than last, mainly because fewer students were in Malaria areas during the past three years.

This year's donors were mostly first and second year students, with women students participating in greater numbers than their proportional representation in the student body. Two Faculty members also gave blood.

Finch said that a continuing problem with scheduling the Bloodmobile at the school is that students are available for just an hour or so before class and leave almost immediately afterward. Many students are unwilling to miss class to donate.

The Red Cross Regional Blood Center, which staffs and operates the Bloodmobile, extended its thanks to the Mitchell students who gave blood and to the SBA members and students' wives who provided volunteer assistance to the staff. Frank Knodel, Blood Center representative, said that he hopes that Mitchell will continue its participation in the blood program next year.

Close Relationships Grow From AMICUS

Many aspects of the criminal justice system compete for the attention of the lawyer concerned with justice. Legislation, law enforcement, prosecution, legal defense of the accused, the judiciary, penal institutions, probation and parole, are a few areas of expertise which cry out for study. Yet one could gain expertise in all these areas and still lack any first hand, personal acquaintance with the people most affected, namely the criminal offenders who are incarcerated as a result of the action of the criminal justice system.

Understandably, one involved in the legal profession can plead lack of time in defense of his lack of involvement with the offender population. Nevertheless, more than thirty Twin Cities area attorneys have participated in **Amicus**, programs.

What is **Amicus**? Briefly, it is a private, non-profit organization which coordinates and supports one-to-one relationships between inmates at the Minnesota State Prison and the Minnesota Correctional Institution for Women, and adult volunteers from the Metropolitan Community. As the Latin name of the organization suggests, the basis of the inmate-volunteer relationship is simply friendship. Since its founding in 1967 by Hennepin County Municipal Judge Neil A. Riley, more than 700 criminal offenders have made personal contact with a like number of volunteer citizens. The purpose of this contact is twofold. First, it provides the offender with the personal interest and moral support of someone outside the institutional population. This can be especially important at the time of the offender's release from prison, when he will be looking for a job, housing, and a chance to "make it" in a world which may look threatening to him, and in which he may have had little success in the past and little hope for anything better in the future. The second **Amicus** objective is to get the community involved in and aware of the problems of criminal offenders.

It is the personal, non-professional involvement which gives **Amicus** its appeal. According to Attorney Lewis Bloom of Super Valu Stores, Inc., it is precisely that which has made his participation in **Amicus** a valuable experience for him. Bloom, a former Crime Bureau agent and City prosecutor, first established an **Amicus** relationship in August, 1971. At the time, he was concerned with getting a view of the system from something other than an official capacity. But any formal reasons for getting involved were quickly obscured by the reality of meeting a real person — a stranger — inside the walls of the Stillwater Prison. Bloom admits he was a little nervous at the time of this first visit. The man whom he had chosen to meet was confined in segregation, and Bloom was apprehensive about how the inmate would react to him.

"We really were just feeling each other out at first, but I was surprised to find that we got along a lot more easily than I had anticipated." What did they talk about? "Basically, I tried to explain to George (the inmate) what my idea of **Amicus** was, and then left it for him to decide what would become of the relationship."

Like most **Amicus** relationships, what developed could never have been anticipated at the outset. After more than a year and a half of regular visits, Lew Bloom is no longer visiting a security inmate. Rather he goes to see George, who is now in minimum security (prison farm). The surprising thing, says Bloom, is that, "He calls me up sometimes and I forget that he is even at the jail. It's just like somebody down the block giving me a call."

Quite soon George may be just "down the block" and will probably feel a lot better knowing there is someone there who knows him if he does call. He could be granted a Work Release this month, which means that he will be free on weekends and during working hours on weekdays, being required to stay in jail only during weeknights. A full parole could follow in a few months if the Work Release period runs smoothly. All this has special significance for Lew Bloom because **his friend** is involved.

The whole experience has been interesting and satisfying to Bloom. "Attorneys are very much a part of the system. Everything is a case. This was more of a friendship. I think I accomplished more with George than with anyone in connection with my professional experience. I wish there were more attorneys in the program. It provides a very valuable insight into the criminal justice system."

The insights are not always easily gained. Personal relationships have a funny way of yielding emotional involvement and frustrations that nobody asks for. But of course, that's all part of the insight, and the reason for which an experience like **Amicus** cannot be gotten second hand or through the library. And it is an experience which reveals a very real aspect of the criminal justice system that could easily be forgotten except by people like George.

Anyone wanting to learn more about **Amicus**, or about becoming a volunteer, should call 336-9347, or stop in at the office at 1141 Plymouth Building, 12 South Sixth Street, Minneapolis.

At Kansas City

Mitchell Students Attend Eighth Circuit Convention

The rigors of the 8 hour drive were quickly forgotten upon arrival at the Alameda Plaza Hotel at 9:30 p.m. The Governors Reception was, according to the program schedule, nearly half over, but the Mitchell delegation, Larry Meuwissen, Robert Varco, Stephen Doyle, and Daudeen Manosky quickly made up for lost time in probing the issues in the pending election of a new Circuit Governor.

An eleven person delegation from Drake University Law School promoted its prepackaged, freshman candidate, James W. Carney, with an efficiency matched only by that of the Hotel Bartenders. In the election held on Saturday, Carney won a first ballot victory over Bill Artus, a second year student from Creighton University School of Law. We hope that Carney, as Governor, continues to be so well programmed.

With the training provided by our daily regimen of work and school, the William Mitchell delegation was the first to rise for Friday's Seminars. This writer attended an informative program entitled, "Women in the Law." Participants in the panel were, Georginna Landmann, formerly clerk for the 8th Circuit Court of Appeals, currently a Gage Fellow at U.M.K.C. Law School, and future professor of Law at Tulsa University, and Ann Whittier, a member of a Kansas City firm with an extensive Civil Rights practice. The principal discussion centered on the possible effects of the Equal Rights Amendment. The panelists demonstrated that the ERA might more accurately be designated an Equal Rights **and** Responsibilities Amendment which gives both sexes the freedom of **choice.** It was argued that no individual will be able to deny the responsibilities assumed by a voluntary choice. Thus, there is no foundation for many of the emotional and hypothetical arguments raised against the ERA such as support obligations in the case of divorce. The women in the audience were in near unanimous agreement that they would willingly accept military conscription if the necessity existed, recognizing that more people in an army do clerical and support work than actual combat. The panelists, described as "Superwomen," by some more militant "libbers" in the audience, recommended that a woman seeking employment as a lawyer be open and prepared for the questions about family obligations and plans. Returning to the theme of individual choice, the panelists indicated that they would not seek a job in a firm that did not want to hire a woman. As Ms. Whittier put it, her choice was to fight the little battles, such as refusing to do letter writing, Xeroxing or telephoning for her male associates. Both panelists agreed that it is, however indefensible, a fact of life that a firm will expect its women associates to prove themselves, and that women should develop their abilities to the fullest extent and have as many credentials as possible. According to Ms. Whittier, it really makes the path smoother for other women if the first women hired by a firm, either experimentally or as a token, is a **good** lawyer.

The featured luncheon speaker, U.M.K.C. Professor of Law, Robert Freilich, was designated on the program as a future professor at the University of Minnesota Law School and Executive Director of State Planning for the State of Minnesota. In introducing the speaker, however, U.M.K.C. Dean, Patrick Kelly, announced a reversal of that decision and indicated that Frelich, an Urban Affairs Expert, would remain at U.M.K.C. Following his speech, one could only conclude that it was Minnesota's loss, as Professor Freilich gave many insights into the problems of urban decay, suburbanization and area government and planning.

The rest of the afternoon presented an opportunity to enjoy the historic Country Club Plaza area of Kansas City.

The Saturday program started with the election of the new Circuit Governor. The poor attendance at the remaining events of the day dramatically illustrated the undue emphasis placed on the former event by the majority of the people at the convention. On the other hand, those who left may have had advance warning of the lack of quality in the program. The morning seminars were entitled Criminal Justice, Consumer Action, and the Role of the Plaintiff's Attorney and Defendant's Attorney in Modern Practice. Only the Consumer panel offered anything by way of information.

The afternoon program consisted of a lively and provacative keynote speech by Howard Moore, followed by seminars on Juvenile Law and Family Law.

Winding up the convention was an awards banquet at the University Center on Saturday evening. Our delegation submitted a report on the SBA activities of the past year to seek the Governor's Award for the best SBA in the Eighth Circuit. Whatever speculation might be made about our failure to win the award, which went to the University of South Dakota, the Mitchell delegation's conversations with other representatives at the convention proved that the activities of the SBA at William Mitchell are at least as far ranging and ambitious as any other school in the Eighth Circuit.

The Mitchell delegation felt that the convention was well-planned for form, but deficient in content. Noticibly lacking was the opportunity for an exchange of problems and ideas relating to education. A resolution session was scheduled for Sunday morning, but it too, was not intended to provide an education forum for law students. Instead, it was intended as a forum for a "strong national organization representing law students" to present the views of law students on important national issues. Mitchell offered to host an Eighth Circuit LSD round table in the fall of 1973. If this offer is accepted, every effort will be made to present a program of substance and content with emphasis on activities students can take to improve the quality of their education or make it more meaningful.

The keynote speaker for the convention was Howard Moore Jr., a prominent attorney with the NAACP Legal Defense and Educational Fund and founder of the Southern Legal Assistance Project in Atlanta, Georgia. Mr. Moore was in the news most recently as chief counsel for Angela Davis.

In his speech entitled, "The Nixon Court" he attempted to illustrate some of the subtle differences between appearance and reality which make it very difficult for the ordinary citizen to see how the Supreme Court decisions are changing the orientation of society.

For example, in the area of Administration of Justice, he contended that since the **Miranda** decision came only a few years back, for the Supreme Court to overrule it directly in such a short space of time would shake the public confidence in the Supreme Court. So they achieved the result in a backward sort of way in **Harris v New York** which held that if a defendant takes the stand his confession or statement can be used against him to impeach him even if it was obtained in violation of his constitutional rights. Another example is **California v. LaRue** where the Court decided that the State could regulate topless/bottomless bars based on the 21st Amendment. Moore said that to the extent one can enjoy these forms of cultural expression and maintain his own lifestyle he is challenging the status quo and the government that seeks to enforce it. These sort of decisions raise questions in citizens minds as to what is permissible in their society and an atmosphere of paranoia is created, he said. Moore felt that the most significant impact the Court has had on the public attitude is that it has discouraged people from engaging in dissent. For example, he asked, "Where are the civil rights and anti-war movements?" He suggested they may be underground.

For a long time after his provacative speech, he engaged the audience in a spirited question and answer session concerning the defense of Angela Davis, the role of the lawyer in political movements, and the problems facing a black lawyer.

Through a sensationalistic assault on our social and moral consciousness, Professor James Jeans of U.M.K.C. attempted to convince the participants in the Environmental Law Seminar of the necessity of an ideological conversion if the environment is to be saved from the present onslaught. Between exhortations to throw away our throwaway culture and pleas for international regulation and enforcement, he proposed some practical reforms. For example, if a person suffered any physical harm from a particular malady (ie brown lung or emphysema) which is usually related to a pollutant, this should be prima facie evidence of injury from the pollutant. Analogizing to the Food and Drug Administration procedures, he submitted that if someone is going to introduce a foreign element into the atmosphere, he should bear the burden of proving that it is not harmful prior to its introduction. He also suggested that we accept nothing less than a zero tolerance in the emission standards and that any violation of the amount in standards would be prima facie evidence of pollution.

The Juvenile Law Workshop presented a brief outline of recent cases establishing specific rights for individual juveniles, i.e., right to an attorney, right of notice to parents, etc. For the most part the discussion became focused on the social instead of legal rights of juveniles. One of the panel members directed a home in the community for young boys who were adjudged juvenile delinquents by the courts. His point system of behavior modification was generally considered rather archaic by the group visiting this workshop.

Another member of the panel was a senior law student who had been a prosecutor for the Juvenile Department of Corrections. Her involvement was in existance due to an extensive juvenile clinical aid program at her law school.

The only conclusion to be drawn from the workshop was that Minnesota has one of the most advanced institutional programs in the country for dealing with delinquent juvenile behavior.

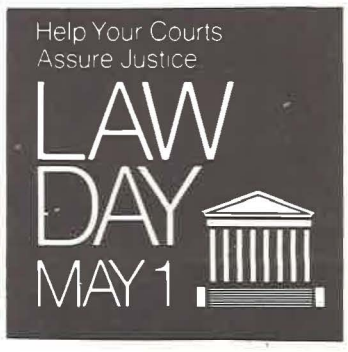
Consumer

The Consumer Action panel was concerned with the increasing role that consumer arbitration boards play in settling consumer-business disputes. The boards are sponsored by the Council of Better Business Bureaus.

Consumer Arbitration boards are strictly voluntary, used only when all informal attempts to settle disputes have failed, and are free except for a returnable performance bond. One of the many advantages emphasized was the prevention of lawsuits in our overworked court system.

Penal Reform

The Penal Reform panel consisted of a penalogist, a warden, and a legal aid attorney. Their main recommendation was to reduce the size of our prisons in order to make them more beneficial and livible for the inmates. The recommended prison population was 100-150 inmates. This would make rehabilitation individualized. The various types of criminals could then be separated into specific programs intended to fit their particular needs. In areas where the cost would be prohibitory to a single state, several states could combine their resources and facilities. The concensus of the panel was that the penal system, to deal effectively with humans, must become more humane.



Judge Hachey Given Outstanding Alumnus Award

by Roberta Keller

Hon. Ronald E. Hachey, '43, Ramsey County District Judge, was presented the "Outstanding Alumnus Award" by the Alumni Association at the organization's board meeting.

The award was presented in recognition of the judge's "many years of dedication and devotion" to the school.

Announcement of the award was made by Alumni President Craig Gagnon at the alumni dinner-dance Nov. 10.

"I'm proud of that law school and owe it so much," Judge Hachey told the group. "It could have closed, but for those professors who brought it through the 1940's and the war years."

Judge Hachey is presently a member of the Board of Trustees of William Mitchell and spends one night a week instructing the school's moot court program for fourth year students. He is a past president of the Alumni Association.

JUDGE HACHEY

The award, in full, says "William Mitchell College of Law Alumni Association in Recognition and Appreciation of the many years of dedication and devotion of Ronald E. Hachey to the William Mitchell College of Law, as Trustee and Professor, particularly in preparing prospective lawyers in the art of advocacy through personal example and by shared experience in the moot court classroom, and in further recognition of his outstanding accomplishments and contribution to the Bench and Bar of his State and his community have conferred upon him the Outstanding Alumnus Award."

Such an award has been given to only two other alumni, including the late Arthur A. Stewart, '08, and Chief Justice Warren Burger, '31.

Following graduation, Judge Hachey practiced law in both St. Paul and Minneapolis. He served as Assistant United States Attorney from 1951 to 1953 and was appointed to the District Court bench on March 5, 1955.

He is a past president of the Minnesota State Judges Association and has been active in several community organizations, including the St. Paul Greater United Fund, from whom he received the Outstanding Service Award in planning for human needs in 1965.

Law Day U.S.A. — 1973

Help Your Courts–Assure Justice

by Joel Watne

May Day is celebrated in the United States as Law Day U.S.A. by presidential proclamation and joint resolution of Congress. It is NOT a lawyers' day. It is not a day for lawyers and judges to pat themselves and each other on the back and to take pride in what fine fellows they are.

It is, rather, a special occasion to honor the place of the rule of law in our lives, for learning more about how the law and the legal system operate, and to focus the attention of both the public and the profession on the constant question of how to make the law serve the people and their nation better.

It is a time for reminding all citizens of the rights they have under the Constitution which are protected by the law and by the courts.

It is also a day when people are asked to consider their individual duties as responsible citizens.

The primary purpose of Law Day U.S.A. is to emphasize the values of living under a system of laws and independent courts that protect individual freedom and make possible a free society.

The theme for Law Day U.S.A. 1973 is "Help Your Court — Assure Justice." Attention will be centered on the judicial system, its problems, and some of the proposals for improving the operation of our legal system.

On the federal level, consideration will be given to such proposals as the National Court of Appeals endorsed by Chief Justice Burger.

On the state level, there is a similar, less publicized proposal for an intermediate court of appeals for Minnesota. This was strongly endorsed by Supreme Court Justices Walter Rogosheske and C. Donald Peterson during their appearance before the Advocacy Seminar in February. They indicated that the optimum work load for top-quality work would have each judge writing about 25 opinions per year, but that the workload of the Minnesota court has risen to the point where each judge has to write from 50 to 60 opinions per year. The court has also resorted to hearing cases before panels consisting of less than the full court in order to try to keep up with the number of cases.

The Mitchell Student Bar Association, in cooperation with the Hennepin and Ramsey County Bar Associations, will be providing a number of volunteer speakers to address local high school groups on Law Day U.S.A. It will also be providing free advertising mats to a number of local newspapers for public service advertising to call attention to Law Day U.S.A.

The S.B.A. has allocated $50 for Law Day U.S.A. expenses this year. This represents a very substantial increase over the $4.50 expended last year for a number of buttons distributed to S.B.A. members. The number of speakers will also represent a substantial increase over last year, when one lone student took part.

Fraternity Sets New Goals

NEW OFFICERS BEGIN

The newly elected officers of William Mitchell's Pierce Butler chapter of the national Phi Alpha Delta law fraternity have assumed their offices and made proposals for new direction in which they hope to see the fraternity grow.

The new officers are Bob Nardi, a sophomore, Justice; Monte Miller, a sophomore, Vice Justice; Mary Ellen Carroll, a freshman, clerk; Lee Mitchell, a freshman, Marshall, and Mike Cuniff, a junior, who is Treasurer.

Nardi said that he thinks it important that most of the officers of the fraternity be juniors during the year in which they principally serve, because juniors have more spare time than do seniors or sophomores, and can therefore, contribute more time and energy towards fraternity activities. He recently mailed letters to all members indicating his serious intent to make the organization a successful one by expanding its services to law student members and the school. One of his first actions as Justice was to establish regular meetings. The second Tuesday of each month has been designated for regular meetings. He did this, he said, to eliminate the confusion that has resulted from the irregular scheduling of meetings in the past. The officers have also decided to make the meetings more informal and attractive to members by scheduling them at one of the local pubs.

New P.A.D. regular monthly meetings have also been scheduled for fraternity officers and committee chairmen. Nardi and Miller have re-established some former committees and created some new ones, and appointed chairpeople for each. A Publicity Committee, chaired by Stephen Bergerson, is responsible for publicizing all fraternity events, both to members and non-members. Lee Mitchell is chairing the Rush Committee, which will plan all fall rush activities. The committee is also considering the feasibility of pre-registration mailings to freshmen, a fall rush party, and of assigning an upperclassmen to small groups of entering freshmen to orient them to fraternity and the law school. Mitchell is also chairing the Activities Committee, which will plan films, field trips to courts, law offices, jails, and other places of interest to fraternity members. The Social Committee will be chaired by Kay Silverman, and will be in charge of planning parties, luncheons, and securing speakers for the luncheons. A new Law School Committee has been created to open communications between the faculty, Dean and fraternity for the specific purpose of discovering ways by which the fraternity can benefit the school as a whole. The committee is chaired by Bob Lange, a freshman. Jim Wickersham, a sophomore, will be chairing the Academic Committee, which is responsible for planning study sessions, maintaining exam and course outlines, and providing special exam assistance to freshman student members.

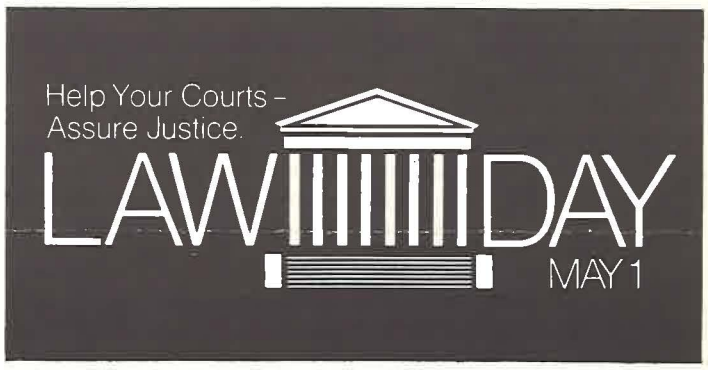
Nardi hopes to continue the membership growth trend of the past year. The membership has grown from almost nothing one year ago to fifty-five this year. It now includes ten seniors, three juniors, nine sophomores and ten freshman on its Active Member roster. An active member belongs to both the local chapter and the national fraternity. An Associate member, of which Pierce Butler has 23, belongs only to the local chapter and is not eligible for national benefits.

The Pierce Butter chapter has been notified that it has been designated the most improved chapter in the Eighth Circuit.

Nardi pointed out that the newest benefit which the national fraternity has developed is a National Placement Service. He has been named Area Representative of the Service and is responsible for gathering data concerning employment from firms and government agencies in which past student fraternity members are working. The book will list job opportunities and relevant information for jobs in all parts of the country for students and graduates.

Nardi has also received applications for Phi Alpha Delta Scholarships to be awarded for the 1973-74 school year. The scholarships are limited to students who will be seniors next year and who are national members.

Phi Alpha Delta Legal Fraternity International was organized in November, 1902, and since that time has grown to be the largest legal fraternity in the world with 114 active chapters. Approximately 3,000 law students become members of PAD each year.



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SUMMER SESSION

(continued from page one)

be enrolled in any given class that was offered during the summer.

The final consensus of the meeting was that summer school should and will be offered to students this summer. Students will be able to carry up to four credits during the summer schedule. No guarantee will be given at this time that a student will be allowed to graduate in 3½ years. A special committee will be appointed to study the feasibility of that matter.

Courses that will be available to all students this summer are Jurisprudence, Family Law and Independent Research. Courses which will be offered for all students except those having just finished their first year are Administrative Law, Securities Regulation and Creditor's Remedies. Other courses may be made available, but arrangements are not yet complete. All courses offered will be for two credits, and will meet two evenings a week for two hours. The summer session will last eight weeks, beginning on June 11 and ending on August 2. Tuition will be eighty dollars for each two credit course.

Dean Heidenreich has appointed Paul J. Scheerer Director of Summer School. Scheerer, 27, began teaching at Mitchell last fall. He has taught two sections of Torts and one section of Creditor's and Debtor's Rights this year. Scheerer graduated magna cum laude from the University of Minnesota Law School in 1970, and was Title Head, Assistant Branch Office of Judge Advocate General for the Department of Navy prior to joining the Mitchell Faculty. While in Washington, he attended George Washington University, where he worked towards his L.L.M. in taxation.

Also discussed at that meeting was a proposal to alter the regular school year schedule so that school begins three weeks earlier than it presently does. SBA Board member Jim Verkest who made the proposal, made the recommendation so that the first semester could be concluded at the beginning of Christmas vacation, and spring finals will be concluded in the middle of May, both of which will be great conveniences to students and faculty. The faculty and Dean accepted the proposal, and the change is scheduled to take effect in the Fall of 1974.

Professor Roger Haydock introduced another proposal at the meeting, which recommended that the Dean establish four permanent faculty committees. He pointed out the need for committees in the areas of curriculum, grades, building, and faculty. Dean Hiedenreich accepted the proposal and announced his intention to appoint student representatives to each of the faculty committees except the latter. He also agreed to appoint a permanent scholarship committee chairman as recommended by Kay Silverman in her scholarship committee report.

PROFESSOR WAHL

Former Mitchell Student

New Clinical Professor Hired

by Jim Swanseen

Mrs. Rosalie Wahl has accepted the position of professor of the Criminal Section of William Mitchell's Clinical Legal Education program. She will assume the position for the 1973-74 school year.

A deeply dedicated woman, her personal philosophy might be stated to be "defense of the poor."

Following her graduation from the University of Kansas in 1946, she began what was to be a continuing involvement in community work geared towards helping the poor attain equal rights and representation in many areas. During that time, she developed an interest in the law, and decided that it would be the most effective tool to achieve the change she sought for others. She enrolled at William Mitchell College of Law. While still in law school, she helped author an article entitled **Defense of the Poor,** which she had published in the Minnesota Law Review in 1966. She also was a research assistant to C. Paul Jones, State Public Defender, when that office was originally created.

Following her graduation from Mitchell in 1967, she remained with the Public Defender's office, and was responsible for writing appeals, many of which set precedents in the area of personal rights.

Last July, she was appointed Adjunct Professor for the University of Minnesota Law School's Clinical Legal Education Department. She has worked with many Mitchell students this year who are participating in Mitchell's criminal clinical program. Mitchell's program was new this year and was initially conducted in conjunction with the University's. Mitchell's program will be independent of the University's beginning next year.

Wahl's most recent project has been with the Department of Corrections. She has been setting up procedures for parole revocation which will ensure a right to a probable cause hearing before a parole can be revoked.

She said that she enjoys working with law students, especially under the fire of litigation, and is enthusiastically looking forward to her new position at Mitchell. She thinks the program is an invaluable opportunity for the student to gain courtroom experience and to become familiar with procedures of litigation.

Next year, Mitchell's program will function in the St. Paul court system, rather than the Minneapolis system as it is this year. Wahl pointed out that it will then differ from the present program, because the University's program works in an intricately close relationship with the State Public Defenders office. The University's program and the Public Defender's office were created at about the same time and have their offices together. Legal Assistance of Ramsey County (LARC), on the other hand, with whom Mitchell will be working next year, has an established and independent method of operation. Furthermore, she said, the procedures of the St. Paul courts are different than those in Minneapolis. Wahl said that her conversations with members of LARC have made her very optimistic, and she sees no serious problems resulting from the switch.

In the future, she would like to see Mitchell students become involved in legislative reform of the courts and of bail problems. For the immediate future, however, she intends to concentrate both her and the students' attention on establishing Mitchell's clinical program as an effective and efficient one.

Proposed 'Mini Supreme Court' Attacked And Defended

The establishment of a new National Court of Appeals, or "mini Supreme Court," would deprive the U.S. Supreme Court of some of its power and "would likely lead to a decline in its essential functions and in its public esteem," according to an authority on the Court.

The proposed new court would mean that in many instances the Supreme Court "would be unable to protect or explain its own precedents or to pursue the implications and directions of its prior decisions," said Washington, D.C., lawyer Eugene Gressman in an article in the March issue of the American Bar Journal published today.

Gressman is co-author of the work "Supreme Court Practice" and from 1943-48 was a clerk to Associate Justice Frank Murphy.

Gressman said the new court would preclude "much of the innovative and developmental aspects of Supreme Court litigation," and would isolate the Court "from many nuances and trends of legal change throughout the land."

Gressman's article, "The National Court of Appeals: A Dissent," is a critical response to the report by the Study Group on the Caseload of the Supreme Court in the February issue of the Journal.

Paul A. Freund, chairman of the study group and a professor of law at Harvard University, presents the case for the proposed court in another article in the March issue. The group was appointed by Chief Justice Warren E. Burger in late 1971.

The study group concluded that the Supreme Court has reached the saturation point in keeping abreast of its work, Freund said. "We considered and rejected many ideas for easing the burden. The proposal for a National Court of Appeals, while not immune to objections, presents the fewest problems of all the solutions suggested."

The Freund committee's report on the Supreme Court's workload said that approximately three times as many cases were filed in the 1971 term (3,643) as in the 1951 term (1,234). And, although the court endeavors to keep abreast of its docket, never disposing of less than 95 per cent of the cases filed, the carry-over or backlog has been growing gradually from 146 in 1951 to 864 in 1971.

"Every member of our group was left with the impression that the Supreme Court is now at the saturation point, if not actually overwhelmed," Freund said. "The mission of the Court is not that of a high-volume, high-speed enterprise." Its purpose is "to clarify and advance the law, to persuade and educate, to decide with opinions that are as invulnerable as reflection, consultation, criticism, accommodation, and revision can make them.

"The court requires, and is entitled to, conditions of work that are appropriate to this special mission, and not simply to the expeditious disposal of thousands of cases a year," he added.

"The proposed new court," Freund said, "would consist of seven members, drawn on a rotating basis from the judges of the courts of appeals to serve three-year staggered terms.

"All cases now eligible for Supreme Court review would go initially to the new court and it would be expected to certify to the Supreme Court some 400 to 500 cases per year, as arguably worthy of review, from which the Supreme Court could be expected to accept, as now, 120 to 150 cases for argument and decision.

"The new court would also retain jurisdiction to decide, or could receive on remand from the Supreme Court, cases involving a conflict of decision among circuits where the issue was not otherwise of sufficient moment to warrant Supreme Court review.

"The National Court of Appeals might certify cases on an affirmative vote of three of its seven members and, as experience developed, the jurisdiction of the new court on remand from the Supreme Court might be broadened, and the terms and selection of its members might be revised."

Professor Freund agreed that "to a limited degree it is true that the Supreme Court would lose control of its docket. But a docket of, say 500 significant cases a year, would provide a considerable margin of choice for the Court.

"Furthermore, the Supreme Court would have many means open to it to guide the new court in its preliminary screening," Freund said, "and there would be adequate safeguards."

Freund also pointed out that the "National Court of Appeals could be tested on an experimental basis, since there would be no permanent new tier of judges."

In his article, Gressman said "the Freund report uncritically accepts the case filing statistics to indicate a massive 'overwork' of the nine justices.

"The absence of delay and backlog marks every branch of the Court's work. By dint of hard work, it effectively keeps its docket current, and the nine justices are still able to take a well-earned, three-month surcease from most endeavors, plus a mid-winter recess of one month.

"Thus the docket condition does not support the Freund report's complaint that the Court is being forced to take fewer cases for review, especially those involving conflicting circuit decisions," he added.

Gressman summed up his article by stating "the Freund report has not established that the present decision processes are faulty, that the addition of a little more time would improve those processes, or that any appreciable time will be saved by the National Court of Appeals proposal.

"The inability of the Freund report to support its proposals with authentic evidence as to how the individual justices actually handle the screening and decisional processes, suggest that the problem might better be studied by a committee of the justices themselves," Gressman said.

The American Bar Journal is published monthly by the American Bar Association, the national organization of the legal profession, and is mailed to its 163,000 members and others.

IT PAYS TO ADVERTISE

by Wayne Swanson

As a law student, you will probably write only one advertisement during your whole professional career: a resume. To be effective, a resume must sell your potential value to a prospective employer so that he will invite you for an interview. You will be evaluated at the interview on the basis of the information furnished in the resume.

In preparing a resume, keep in mind that it isn't an obituary. Show what you have done as an indication of what you are capable of doing. Emphasize increased educational background and increased occupational responsibilities, if possible. Don't exaggerate. If you do, it may be difficult to explain during the interview, and could result in not getting a position for which you are well qualified. On the other hand, don't undersell yourself by not mentioning relevant experience or education, or by downplaying it. A resume is not the place for modesty. Don't draw attention to what you consider deficiencies or shortcomings by attempting to explain them away in the resume or covering letter. Rather, give a short and honest explanation if questioned about them during the interview. In most cases, the prospective employer will attach far less importance to the 'deficiencies' than you do, and may not consider them to be important or even relevant to the position for which you are applying.

PREPARING THE RESUME

The outline and example which follow are in reverse chronological order, showing most recent education and experience first. If you have given up a responsible position before entering school, or during school, you may wish to use a selective resume listing the most relevant experience first, followed by other positions in order of declining importance. When using this type, it is not necessary to list all employment or all employers.

Before beginning the resume, fill out a worksheet. This will help to organize the information, and may call to mind relevant information which has been forgotten. Some of the items on the worksheet which do not end up on the resume will be helpful during the interview in answering questions and in focusing career objectives.

Resume Outline

The order of items in the resume is flexible; many experts suggest that personal information be listed first. Since law students are usually long on education and short on experience, it is suggested that education be listed before experience.

I. Objective

Briefly state your career objective; for example, patent attorney, tort litigation (including trial work), estate and tax planning. If you wish to become an associate in a general practice, state two or three areas in which you have particular strength and interest. If you are applying to a firm which does only one type of work, for example income tax specialists, it may be possible to omit the objective if your interest and capability show up clearly in the education and experience portion of the resume.

II. Education

Legal Education

A. School Name and Graduation Date
   1. Class rank
   2. LSAT score
   3. Activities—Include membership on committees, student government, work on the "OPINION," ABA-LSD, etc.
   4. Honors-moot court award, scholarships, achievement awards, etc.

B. College—Similar to information for Legal Education. Include degree and when received, major and minor courses of study.

C. High School—Include only highlights
   1. Location
   2. Class standing
   3. Special awards and honors

III. Employment (Reverse Chronological order)

A. Name and location From-To (month and year)
   1. Job Title: Describe duties, achievements, special skills acquired or used.
   2. Job Title (repeat above information for each job held)

B. Name and Location (Repeat above information for each employer)

IV. Personal

A. Birth-date and place
B. Physical-height, weight, handicaps, health
C. Marital Status-married or single, children
D. Military (if relevant)
E. Professional Societies
F. Hobbies (if relevant)

(The amount of data to be included is variable depending upon circumstances. For example, if you are applying for another position within a firm, this section can be very brief. If applying to a new firm, a "thumbnail sketch" will give the prospective employer a mental picture of you. Including a photograph is optional. Don't include long lists of hobbies and outside activities unless relevant to the position; they dilute the important information, and may result in your resume not getting read.

V. References-State "Available upon request" or omit. If an employer wants references, he'll ask for them.

SAMPLE RESUME

NORMAN A. CARLSON
2317 Standish Drive
Roseville, Minnesota
Tel. (612) 413-2389

I. OBJECTIVE

Tax and Financial Planning Counsel; Practice before tax bar

II. EDUCATION

A. Legal Education
   William Mitchell College of Law, St. Paul, Minnesota
   Graduation—June 1974
   Class Rank—17/65
   Law School Aptitude Test (LSAT) Score—672
   Member of Student Bar Association, Second and Third Year
   Member of American Bar Association—Law Student Division

B. College
   University of Minnesota, Minneapolis, Minnesota
   Graduation—June 1965
   Bachelor of Science, Major—Accounting; Minor—Economics
   Grade Point Average—3.8/4.0
   Honored as Outstanding Accounting Graduate, 1965

C. High School
   Rochester Public High School, Rochester, Minnesota
   Graduation—June 1961
   Class Rank—3/278
   National Merit Scholarship Semifinalist

III. EMPLOYMENT

A. **Haskins and Sells, Certified Public Accountants,** Minneapolis, Minn., June, 1965 to present
   Senior Accounting Analyst—April 1971 to present.
   Responsible for analyzing major corporate financial systems and outlining analysis and reporting methods to subordinates. Deal directly with corporate officers in preparing financial reporting and disclosure standards. Responsible for supervising the activities of twenty-two accountants. Responsible for liaison with Securities and Exchange Commission.
   Senior Accountant—August 1968 to April 1971.
   Performed full analyses of major accounts. Studied selected transactions, accounts, ledgers, and related reports for correctness of computation, accuracy of procedures and accounting principle interpretation. Recommended changes in treatment of procedures, reconciliation of accounts and modification of statements; these recommendations were adopted for use in all financial reports handled by the Firm.
   Accountant—June 1965 to August 1968.
   Assisted Senior accountants in conduct of accounting, financial and operating procedure audits. Performed examination and analysis of accounts, ledgers, journals and records. Test checked individual transactions to determine property, validity and accuracy. Suggested changes in accounts maintenance systems.

IV. PERSONAL

A. Born—May 6, 1943—Rochester, Minnesota
B. Height—5 ft. 11 inches, Weight—175 lbs., Excellent health
C. Married, one child
D. Member of American Association of Certified Public Accountants

SAMPLE TRANSMITTAL LETTER

2317 Standish Drive
Roseville, Minnesota 55207
April 3, 1973

Carter, Lindsay, and Brown, Ltd.
2203 IDS Building
Minneapolis, Minnesota 55203

Attention: Mr. William A. Brown

Dear Mr. Brown:

The attached record indicates my qualifications to begin a career as a tax and financial planning consultant. My background includes legal education at William Mitchell College of Law, St. Paul, with graduation to be in June, 1974 and more than seven years' experience with Haskins and Sells, Certified Public Accountants.

I have made presentations to members of the Securities and Exchange Commission on several occasions, and am experienced in dealing with corporate clients and representatives of the Federal and State government.

As indicated by the record, I have a strong interest and ability in the legal aspects of financial analysis and planning. I received "A" grades in Federal Income Taxation, Legal Accounting, and Business Planning, and "B" grades in Taxation of Estates and Trusts, and Corporations.

I would appreciate an opportunity to meet with you. I will call you during the next week to arrange for an interview, if convenient for you.

Sincerely yours,

Norman A. Carlson

See 'Advertise,' Page Fourteen

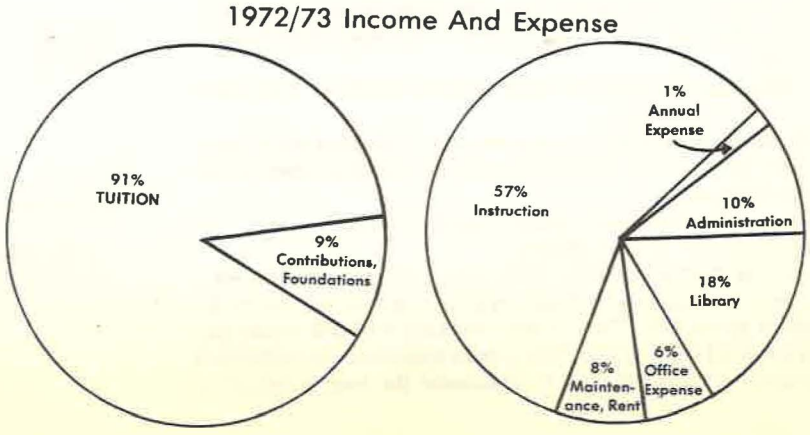
TUITION

(continued)

expects 750 to 800 students in '73/74, and is hiring additional faculty accordingly. Need for office services and for space at St. Thomas can also be expected to increase commensurately. As long as the school's growing pains continue, costs will continue to rise disproportionately. And we, the students, can expect to be making up the difference in higher tuition.

	Total Budget	No. of Students	Cost Student	Tuition
1969/70	$326,000	350	$931	$850
1970/71	411,000	496	$829	$850
1971/72	558,000	570	$981	$950
1972/73	670,000	673	$996	$950
1973/74	?	750-800	?	
$1100				
1973/74	?	750-800	?	
$1100				

1972/73 Income And Expense



The Extra Hour

Products Liability Remains Uncertain

by John Gries

Larry Zelle, Minneapolis attorney, shared his view of recent developments in the field of products liability at the March session of the Extra Hour. He first gave a brief history of the development of Products Law, pointing out that prior to 1963 the law was that the plaintiff purchaser or injured party was faced with the hurdle of either proving negligence on the part of the manufacturer, seller or distributor, or proving breach of warranty. In most states, in either case, privity was required. Defendants, according to Zelle, had to bring in experts who would testify as to all the precautions that were taken to assure that there was no defect in the product. Thus there would be no question that the reasonable care requirement was satisfied.

Then, in 1963, in **Greenman vs Yuba Power Products, Inc.** 59 Cal 2d 57, 27 Cal. Rptr. 697, 377 P. 2d 897 (1963) the California Supreme Court, by Justice Traynor, said that even though the manufacturer exercised reasonable care, the manufacturer was strictly liable.

This was followed by ss402A of the Restatement of Torts in 1964-65. Contemporaneously people were finding the UCC as an aid to imposing strict liability in warranty on behalf of consumers. The UCC also abolished privity.

Zelle

Thus, said Zelle there is the common law (Greenman), 402A of the Restatement of Torts and the UCC, all of which imposed strict liability, on varying technical grounds. This has led to tremendous confusion, so that today, according to Zelle, the law in most respects is not very different then it was before **Greenman.** Zelle said this is particularly true in Minnesota.

Following the historical sketch, Zelle focused on different problem areas which have been causing confusion. He said the first area where there is trouble is that of contributory and comparative negligence. The question whether one can apply the doctrine of contributory negligence to strict liability, and if so, how, is particularly troublesome. Under 402A the plaintiff can recover even if there is no negligence on the part of the defendant. Thus, when the jury goes to assess the plaintiff's negligence, there is nothing with which to compare the plaintiff's negligence. In avoiding this problem, Courts have resorted to tagging plaintiffs with assumption of the risk, or mishandling or abusing the product. Thus, said Zelle, the Minnesota Court in **Magnusen v Rupp Manufacturing Co.,** 171 NW 2d 201, said that the plaintiff could not recover because he abused the machine and, in addition, that since he was aware of the defect, his conduct was like an "intervening superceeding cause" and therefore the defect was not the proximate cause of the injury. Zelle suggested that a possible solution would be to compare plaintiff's negligence to the defect to arrive at the relative percentages of fault.

Another area of concern discussed by Zelle was that of Res Ipsa Loquitar. He said that Res Ipsa has always been applied in negligence cases. However, a problem arises when the case is under 402A of the Restatement of Torts. In the case of Lee v Crookston Coca-Cola Bottling Co., 188 N.W. 2d 426, which involved an exploding bottle, the Minnesota Court did apply the doctrine. However, in another case which involved a cosmetic jar, Cerepak v Revlon, Inc., 200 NW 2d 33, the court did not allow its application, pointing to a knick in the jar which may have come from someone trying to pry the jar open. Zelle stated that this is a real area of uncertainty in Minnesota, and that perhaps all one can be sure of is that Res Ipsa is applicable in an exploding bottle case but not in a case involving a cosmetic jar.

For Vasectomies

New Tax Deduction Proposed

Jim Bouton, author, sportscaster and former major league pitcher, has come forward with an unusual tax abatement plan entwined with population control and relief for public agencies that he believes will trigger manifold benefits for society if properly implemented.

Writing in **Vasectomy: The Male Sterilization Operation,** a new book recently released by Paperback Library, Bouton offers this plan:

"Vasectomy should be a free operation and every male should receive a tax deducation of $1000 per year for having one. The logic behind this proposal lies in that if each vasectomy prevented just one birth, the savings would be phenomenal in reduction of costs to schools, hospitals, social security and welfare. Additionally, there would be less strain on natural resources, less waste disposal problems and a lessened demand on governments and bureaucracies dealing with a smaller population."

The rest of Bouton's radical tax program revisions, which he believes would go a long way toward relieving the overpopulation crisis and contribute to economic fairness, are also in **Vasectomy: The Male Sterilization Operation.** They follow:

1. $2000 tax deduction per year for each adopted child under 18 years of age.
2. $4000 tax deduction per year for each non-white adopted child under 18 years of age. The payment is double because of the disproportionate amount of non-white orphans.
3. $6000 per year tax deduction for handicapped children.
4. No tax deductions for natural children.
5. A tax penalty of $500 on the birth of the third, fourth and fifth, etc., child. This would be a minimum base figure which would be increased by $500 for each $5000 in gross pay. Thus, a man making $100,000 would pay $10,000 for each extra child beyond two. This would eliminate the argument that population control is a racist plan to eliminate the poorer minority groups.

It Pays to Advertise

(Continued from Page 13)

RESUME WORK SHEET

PERSONAL

BIRTHDATE | BIRTHPLACE | SOC. SEC. NO. | TYPE CITIZENSHIP

HEIGHT | WEIGHT | HEALTH | HANDICAPS (if any)

MARITAL STATUS | DEPENDENTS | TRAVEL/AMT. | RELOCATE/WHERE

MILITARY

BRANCH | SERIAL NUMBER | FROM/TO (Mo./Yr.) | TYPE DISCHARGE/STATUS

ASSIGNED DUTIES (repeat military portion for each separate period of service)

EDUCATION

NAME/LOCATION OF HIGH SCHOOL | FROM/TO (Mo./Yr.) | CREDITS (Sem./Qrt.)

NAME/LOCATION OF COLLEGE | COURSE OF STUDY | YRS. COMPLETED & WHEN

CHIEF SUBJECTS STUDIED | DEGREE RECEIVED | MONTH & YR. RECEIVED

HONORS AND SCHOLARSHIPS GRANTED

NAME/LOCATION OF LAW SCHOOL | YRS. COMPLETED & WHEN

CHIEF AREAS OF CONCENTRATION

ORGANIZATION MEMBERSHIPS

EXPERIENCE (Start with latest employer and continue back-Repeat for each)

COMPANY NAME | COMPANY ADDRESS

FROM (Month and Year) | TO (Month and Year)

YOUR TITLE | NAME OF IMMEDIATE SUPERVISOR

SALARY (Beginning and Ending) | NUMBER AND TYPE EMPLOYEES SUPERVISED

DESCRIBE DUTIES, SPECIAL PROJECTS, ETC.

GOAL

DESCRIBE SPECIFIC POSITION(S) OR OCCUPATIONAL FIELDS IN WHICH INTERESTED

ADDITIONAL REMARKS

SPECIAL SKILLS

LICENSES OR CERTIFICATES HELD | WHERE AND WHEN CONFERRED

PUBLICATIONS, ARTICLES, PAPERS WRITTEN (Include When Published)

HONORS AWARDS

CITE TYPE (Include Scholarships, Fellowships, etc.-Show When,

KNOWLEDGE OF LANGUAGES (If relevant)

NAME OF LANGUAGE | NAME OF LANGUAGE

READING ABILITY | SPEAKING ABILITY | READING ABILITY | SPEAKING ABILITY

WRITING ABILITY | TRANSLATING ABILITY | WRITING ABILITY | TRANSLATING ABILITY

REFERENCES

NAME	ADDRESS
BUSINESS OR OCCUPATION	TIME KNOWN
NAME	ADDRESS
BUSINESS OR OCCUPATION	TIME KNOWN
NAME	ADDRESS
BUSINESS OR OCCUPATION	TIME KNOWN

HORTON TAKES OVER—Fred Finch, outgoing President of the William Mitchell Student Bar Association, turns the chair and gavel over to incoming President Don Horton.

Law Student Division

OPINION ENTERS COMPETITION

Stephen Bergerson, Editor-in-Chief of the William Mitchell OPINION, has announced that entry applications have been completed for the Law Student Division of the American Bar Association's Most Outstanding Student Bar Association Newspaper competition.

Each year the Law Student Division (LSD) sponsors and conducts Student Bar Association competitions. The purpose of the newspaper competition is to recognize the outstanding efforts of law school journalists each year.

In past years the classes of entries have been based on law school enrollment (size), but this year the newspaper competition entries will be assigned to classifications depending on the average budget per issue of the paper. Class A includes those papers which had up to five hundred dollars to spend per issue. Class B includes papers which had five hundred to one thousand dollars available per issue, and Class C, in which the OPINION will compete, includes papers which had an average budget of one thousand dollars or more per issue.

Bergerson pointed out that the OPINION is financially supported by the Student Bar Association and the school, which share publication expenses equally, after advertising revenue has been deducted from the cost. He noted that advertising space in the OPINION was sold this year for the first time in the paper's twelve-year history, and that over two thousand dollars in advertising revenue was realized.

Bergerson said that he is optimistic and thinks the OPINION has a good chance of gaining recognition in this year's competition because of the noticeable increase in pages, issues, quality and change of policy which has occurred in the OPINION this year. The winning newspapers will be announced at the Law Student Division's Annual Meeting, which will be held in Washington, D.C. this summer.

SBA SPRING PARTY ATTRACTS CROWD—The annual SBA spring party, held April 13 at the Twins Motor Inn was enjoyed by some 250 students and their guests. The evening was spent dancing to The Encores Unlimited and engaging in the usual 'spirited' conversations.

ELECTIONS, continued from page one

A question was also raised as to whether the Editor-in-Chief of the OPINION, who is a member of the Board, could properly vote for the election of officers. The Editor-in-Chief is allowed full voting, and all other rights which board members have, at all other meetings. Despite the fact that the by-laws specifically allow him to vote for officers as well, a majority of the board members who voted on the matter construed the Constitution as not allowing the Editor-in-Chief to participate in the election of officers.

The officers were elected by a vote of the outgoing senior members of the Board, and by the new Board, which was officially seated at the meeting. The new Board consists of students who won in the SBA Class Representative elections held for the freshmen, sophomore and junior classes on April ninth. The Freshman sections re-elected Dale Busacker and Jim Lundin, and elected Allan Shapiro and Joe Cade, who replaced Marilyn Neuschwander, who chose not to run, and Jim Verkest. The sophomore sections elected Brian Brown, Jerry Scott, Cara Lee Kemper, in addition to Trygue Egge, who won by default. Incumbent Davideen Manosky was unseated. The juniors re-elected Don Horton, Larry Meuwissen, Tina Isaac and Kay Silverman. Incumbent Robert Varco lost his bid for re-election, and Mike Fahey and Dale Wolf were elected.

Pictured at their last regular meeting are members of the Student Bar Association's Board of Governors who have served during the past year. Seated, from left to right, are Joel Watne, treasurer; Fred Finch, president; Robert Varco, vice president, and Tina Isaac, secretary. Standing, from left to right, are Jim Lundin and Dale Busacker, freshmen representatives; Trygve Egge and Davideen Manosky, sophomore representatives; Stephen Bergerson, Editor-in-Chief of the Opinion; Kay Silverman, junior representative; James Verkest and Marilyn Neuschwander, freshman representatives, and Larry Meuwissen, junior representative. Missing are Don Horton and Steve Raddtke.

Legal Briefs

by Margaret Leary

FEDERAL JOBS

Federal Government Legal Careers Opportunities 1973 is now available free to Law Student Division members. The book lists government agencies and the number of lawyers which each agency hopes to hire in the current year, as well as information on employment responsibilities, location of positions, salary, advancement opportunities, and application procedures.

Those law students who are not members of the LSD may order copies for $3.00 each. Orders should be sent to: Circulation Dept., American Bar Association, 1155 East 60th St., Chicago, Illinois 60637.

UNDERGRADUATE LAW STUDY

That law is finally being taught in connection with general liberal arts undergraduate studies is illustrated in two articles in the March, 1973 **ABA Journal.** One article is historical and generalizes about the proper role of law in the college curriculum, and concludes that "The imparting of a basic understanding of law to undergraduates through the traditional liberal arts is virtually impossible because the infusion of legal materials and insights, without distortion, into existing courses is a practical solution only in the instances in which the college instructor has had legal training or has devoted substantial study to the relation of law to his discipline." The second article describes specifically the courses offered to Yale undergraduates and to students at several other institutions. "The University of Minnesota, for example, has proposed that its law and law-related courses be packaged together as a law major."

NIGHT SCHOOLS DYING?

"The plot to do away with night law schools" is the title of a piece in the March 1973 issue of **Student Lawyer.** Charles Kelso answers that there is no such plot and no intentional or planned discrimination against night schools. "True, it is, that there will soon be but two evening - only law schools with ABA approval. However, the reason is not ABA policy. Rather it is that almost all of the formerly evening-only law schools have added a day division while continuing their evening program." The article is a summary of a 500 page report entitled "The AALS Study of Part-time Legal Education," which appears in the AALS Annual Proceedings for 1972, part one, section II. "The AALS study predicts an eventual decline in the number of evening programs." Nevertheless, Kelso concludes, "there is little reason to believe that an opportunity for evening legal education will not continue to be available within the commuting distance of over 50,000,000 Americans."

LAWYERS GUILD CLASSES

The Lawyers Guild has been teaching "alternative classes" to freshmen throughout the first semester at New York University. One such class, workmen's comp for the poor, is described in some detail in the "Status" section of the March **Student Lawyer.** "Low-level workers, unable to afford losing a day's pay or afraid of losing their jobs, often fail to report on-the-job accidents to either doctors or employers. Months later, when an injury, such as a strained back, becomes unbearable, the time gap may fatally undermine the possibility of a recovery . . . Lower-stratum workers are most subject to job-related injuries and thus most directly affected by the inequalities of the recovery contest."

TOO POOR TO GO BANKRUPT

The U.S. Supreme Court in January decided that the Bankruptcy Act's requirement that $50.00 filing fees must be paid before discharge in a straight bankruptcy is valid, in spite of the Court's 1971 holding that divorce filing fees may be waived for indigents. The distinction, wrote Mr. Justice Blackmun, lies in the "utter exclusiveness of court access and court remedy" in the case of divorce, while a debtor may adjust his debts by negotiation with his creditors. Apparently the fact that such negotiation may not necessarily give the clear relief that discharge does (much as voluntary, extra-legal separation does not give clear "relief" to the unhappily married) was not considered important. The Court distinguished the divorce case, saying that there the "appellants' inability to dissolve their marriages seriously impaired their freedom to pursue other protected associational activities. Kras' (the bankrupt) alleged interest in the elimination of his debt burden, and in obtaining his desired new start in life, although important and so recognized by the enactment of the Bankruptcy Act, does not rise to the same constitutional level . . . If Kras is not discharged in bankruptcy, his position will not be materially altered in a constitutional sense." **United States v. Kras,** 409 U.S. , 34 L. Ed. 2d 626, 93 S. Ct. 631, 41 U.S.L.W. 4117 decided January 10, 1973.

DEFENDING STUDENTS

A William Mitchell instructor, Joe Daly, and two Mitchell students, Donald Hauble and Donald Ardery, have contributed an extensive article on "Defending students" to the February 1973 **Bench and Bar.** They discuss whether education is a fundamental right guaranteed by the U.S. Constitution, due process requirements in suspensions, expulsions, and reassignments, and make suggestions for the attorney representing a student or representing school boards.

SIZING UP THE JURY

A U.S. Supreme Court view that the reduction in size of juries will not affect the outcome of court cases is about to be tested by the University of Michigan Law School.

The test will be under supervision of the Journal for Law Reform, a student publication.

Comparisons of civil cases heard in Wayne County, Michigan, before 12-man and six-man juries during a six-month period in 1969 and 1971 will be made and the findings published this spring.

CHIEF JUSTICE SPEAKS AS CONGRESS' ADVISER

U.S. Chief Justice Warren E. Burger, William Mitchell Alumnus, has informed all the federal judges, via a newsletter, that he will continue to let Congress know what kind of legislation he feels would be good for the courts.

Pointing out that two former chief justices, William Howard Taft and Charles Evans Hughes, did likewise, Chief Justice Burger labelled as "totally false" and "misinformed" a news report by syndicated columnist Jack Anderson that the judiciary was engaged in lobbying against pending legislation.

"Statutes, historic tradition and the logic of the situation require the federal judiciary through its established organizations to work constantly for improved methods of providing justice and to advise the public and other branches of government so that intelligent action can be taken," Chief Justice Burger wrote in the newsletter.

BIG FIRE, LITTLE SMOKE

Despite one company's TV claim that they are "a whole 'nother kinda smoke," the Federal Trade Commission has asked that advertisements for so-called little cigars be placed under the same television ban as that for cigarettes.

The FTC has further asked that the Cigarette Advertising and Labeling Act be revised to define cigars, weighing under three pounds per thousand, as cigarettes.

If Congress grants the FTC request—a possibility enhanced by strong support from antismoking forces—not only would the little cigars be banished from the TV screen, their packages would be required to carry the same health warnings as cigarette packages.

DIRECTOR ASSESSED DAMAGES FOR ABUSE TO PRISONERS

A federal judge ordered the director of Virginia's prison system to pay $21,265 to three former prisoners punished for seeking reform and desegregation of the prison.

U.S. District Court Judge Robert R. Merhige, Jr. ordered W. K. Cunningham to personally pay the judgment "out of his own pocket."

The judge said Cunningham had knowledge of unconstitutional mistreatment of the former prisoners and cited long periods of solitary confinement, fastening them to bars, use of tear gas, beatings by other prisoners and a bread and water diet.

The ruling is believed to be unprecedented.

The largest award went to Robert J. Landman — $15,303. A psychiatrist testified that Landman had symptoms similar to survivors of Japanese prison camps in World War II and needed psychiatric treatment.

Judge Merhige concluded that "deliberate efforts under the direction of Cunningham were made to dehumanize Landman."

Damages were computed on the basis of prison pay lost while in solitary confinement and for "pain and suffering."

The awards stemmed from a "landmark ruling by Merhige in October 1971, that found Virginia prison officials' 'disregard of constitutional guarantees . . . so grave . . . as to violate the most common notion of due process and humane treatment.' " (Washington Post, February 2, 1973)

Cunningham said he would appeal.

The Student Bar Association
of
William Mitchell College of Law
2100 Summit Ave.
St. Paul, Minn. 55105

Non-Profit Org.
U.S. Postage
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Local Guild Chapter Grows

In January of this year, a local chapter of the National Lawyers Guild was formally established in the Twin Cities. The Guild is a nation-wide association of lawyers, law students and legal workers committed to fundamental social and economic change. The last few years have been a renaissance of this 36 year old organization (see page 8, **Opinion,** September, 1972). Although still young and loosely structured, the Twin Cities Chapter is beginning to function effectively.

The chapter, which now numbers about 30 members, is becoming a medium in which legal people of similar political perspective can share information and energy. A newsletter is being published and various informational programs are planned, among them a visit by a lawyer from the Attica Defense Committee.

The most dramatic activity so far has been the legal support of the AIM demonstration at Wounded Knee. A number of lawyers from Minneapolis and St. Paul, among them some Guild members, have been active in affirmative litigation aimed at enjoining the government's blockade of Wounded Knee, as well as in criminal defense work. The chapter committed itself to fund-raising so that Minnesota lawyers can continue to work in South Dakota as long as they are needed.

On the local level, the "Peoples Law School" project of the chapter has proved to be a success. The idea behind the school is that there is a great need in the community for basic legal knowledge which is not met by the practicing bar. Most people are above legal aid income cut-offs but cannot afford a private attorney for their daily problems. The first two courses, consumer and tenant's law, were enthusiastically received in south Minneapolis. An expanded program, to be offered in different metro neighborhoods, is being planned.

The local contact person for the Guild chapter is Greg Gaut, a William Mitchell junior. He can be reached at 724-5205 of 333-6576.

FACULTY EVALUATION PROGRAM BEGINS

As part of its continuing effort to improve student-faculty communication, the Student Bar Association has formally adopted an instructor evaluation program.

Trygge Eggve, sophomore class representative, and Rick Glanz, junior law student, chaired the SBA instructor evaluation committee which considered the problem and submitted recommendations to the Board of Governors.

The Board accepted the committee's proposed evaluation questionnaire, which consists of eighteen questions which are directed towards extrapolating what the instructor's students feel are his strengths and weaknesses as an instructor. The student may respond to each question by indicating his opinion on a scale of one to five, with five being the most favorable response to the particular teaching skill in the question. Space is also left for students to make relevant covered by the questions which they deem appropriate to the evaluation.

The Board also accepted the committee's recommendation that the results, which will be tabulated by an SBA committee, be restricted from general publication, at least for the first year. The results are to be made known only to the instructor whom they regard. The instructor then has the option to disreguard them entirely or to use them in whatever manner he chooses.

The SBA Board emphasized that the purpose of the evaluation is to give the instructors feedback on a large scale so that they have a better idea of what students feel they are doing well, or could be doing better, in order to improve the educational experience at William Mitchell. The evaluation is not intended to embarrass or chastise faculty members in any manner, and should not be exercised by students or interpreted by instructors in that light.

The program will be conducted during the last week in April, and the results given to the instructors as soon as they have been tabulated.

INJUSTICE

bilitative systems . . .

"Jailers and prison officials blame the inadequacies of their appropriations and what they categorize as naive parole and probation personnel; probation and parole people blame what to them are discriminatory practices by employers and social workers . . ."

Everyone, he said, blames someone else.

Increased coordination is urgently needed in almost all jurisdictions, said Smith, who will become ABA president in August.

Court procedural foul-ups, caused by a lack of communication among the different elements in the criminal justice system, result in injustices to the increasingly burdened system itself, Smith continued.

Fearing the criminal justice system will collapse because of its tremendous case volume, the courts invoke procedures that "seriously undercut those basic values which are the foundation of any fair and even-handed criminal justice system."

This unfairness also causes lawlessness, disorder and alienation, he declared. "The bitterness and disaffection which I detect in substantial segments of our people stems, in large measure, from the widespread conviction that our criminal laws, their enforcement, and the justice processes related to them — particularly at the state and local levels — are unfair, inequitable, and unjust."